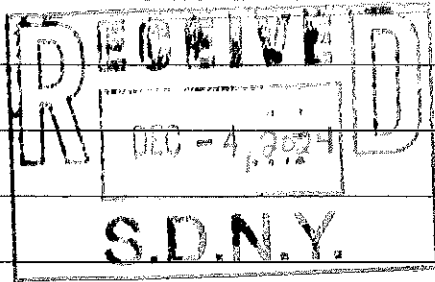


DOCUMENTS ENCLOSED

- 1- Decl. for mailing the C.R. Motio. & Appx (1 pg)
- 2- The Mot. for Comp. Rel. (p. 1-49 w/ Tab. of cont.)
- 3- The Appendix; p. 1- to - 174 (incl. defendants Decl. at 148-73; i.e p. (1)-(26)).



EXH: 1

Declaration For mailing the C.R. Motion & Appx.:

I, Khalifan Kh. Mohamed hereby declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

Pursuant to this court's order of Oct. 15, 2024, I've, on Nov. 5, 2024, mailed my motion for Compassionate Release along with the attached supporting Appx. The Motion and my declaration attached within the Appx. still carry the same original date: Sept. 25, 2024, for, I didn't change any thing other than those things this court had ordered to be changed/ redacted. My motion is submitted as a legal mail and I've attached enough amount of the postage stamps for the first class mail. Moreover, I've mailed it as a certified mail to ensure its arrival to the court. I've addressed the legal mail to the court, Addressed: United States District Court, Chambers of Lewis A. Kaplan, 500 Pearl Street, New York, NY 10007.

Dated; Nov. 5, 2024

Khalifan Kh. Mohamed

U.S.P. Florence, P.O. Box 7000

Florence, CO 81226

S/ Kh. Mohammed.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA V. KHALFAN KH. MOHAMED, 98-cr-1023(LAK)

DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE

Defendant, Khalfan Kh. Mohamed ("Mohamed") files this motion for compassionate release ("C.R.") or, alternatively, for sentence reduction ("S.R.") pursuant to 18 U.S.C. § 3582(b)(1). Under either standard, however, Mohamed respectfully asks the court to reduce his sentence to time served.

Administrative Remedy

On May 3, 2024, Mohamed submitted to the warden of the U.S.P. Florence his request for the C.R. See the Appx at . The warden denied the request, apparently, on June 14, 2024, id at . Mohamed received the response on July 25, 2024.

Standard of Review:

"The First Step Act freed district courts to consider the full slate of extraordinary and compelling reasons that an imprisoned person might bring before them in motion for compassionate release." *United States v. Brooker*, 976 F.3d 228, 237 (2nd Cir. 2020). "From the beginning of the Republic, federal judges were entrusted with wide sentencing discretion... to consider all relevant information at an initial sentencing hearing... That discretion also carries forward to later proceedings that may modify an original sentence." *Concepcion v. United States*, 597 U.S. 142, Sct. (2022) at p. 743. Moreover, "it is well established that the submissions of a pro se litigant must be construed liberally and interpreted 'to raise the strongest arguments that they may suggest.'" *Tristman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474-5 (2nd Cir. 2006).

Introduction

Mohamed has been incarcerated since 1999. In 2001, Mohamed, along with some of his co-defendants, were sentenced in this court to life plus 40-years after being convicted on terrorism charges related to the bombing of the U.S. Embassies in Kenya, and Tanzania, in 1998. Mohamed, now 51, has served 25-years; roughly, a half of his entire life, of that sentence so far.

Below, Mohamed presents a total of 11 extraordinary and compelling reasons ("E.C.R.s") for this court's consideration here. The first four reasons (I through IV) are an "independent" E.C.R. that are argued for in the first four sections of this motion. The rest, however, all seven are listed under the last and fifth section (V) titled as "Other Reasons."

The first four independent ECRs, are:

First: Victim of Abuse: Mohamed argues that on different occasions under the BOP custody, he has been a victim of abuse. The abuses, in addition, are serious enough to cause serious bodily injuries, many of which continue to the present time... Thus, even under this ECR alone, Mohamed is entitled to C.R.

Second: Medical & Health Circumstances: Additionally, Mohamed shows and argues that he has several ongoing serious medical conditions that the BOP has either completely failed to treat or did so inadequately and untimely. Moreover, unlike in most cases where prisoners present medical conditions, Mohamed's conditions mostly are direct result of BOP's own abuses against Mohamed.

Third: Unusually Long Sentence: That's, given to Mohamed. And that's especially when his sentence is compared to sentences given to some of his co-defendants. Several of Mohamed's co-defendants have been already released from prison, besides the fact that virtually each of them, per the available records, held much higher position in the organization and had much longer history within it than Mohamed.

Fourth: Rehabilitational Efforts: That's, besides his recognition and regretting of his past mistakes, Mohamed actively and regardless of the harsh conditions he's been in, spent every available opportunity to elevate him self for better... In so doing, he has maintained almost spotless disciplinary history participated in 100's of hours in educational courses... and maintained good records both with staff and fellow prisoners...

As to the last seven ECRs, under the "Other Reasons"; fourth and last section of this motion, those are:

One: The BOP's failure to, or, adequately provide Mohamed with necessary medical treatment for his serious injuries that he received following the staff's malicious assaults on him.

Two: Destruction of Mohamed's close to 20-years worth of personal materials that include; journals, manuscripts, notes... etc.

Three: Lack of Relief, otherwise, for the above mentioned damages and injuries. That's Even though there's enough evidence pointing into BOP staff's deliberate and malicious causing of damages and injuries to Mohamed; yet, there's no cause of action under which Mohamed may recover his losses. But this court can and should provide that relief.

Four: Prolonged and harsh prison conditions under over 20-years of solitary confinement... Most of that period of time were also under SAMs restrictions... at the ADX-Flores.

Five: Family Circumstances... That include the critically poor health of his mother.

Six: Lack of Succinity... Due to the BOP's failure to provide Mohamed with "safe, peaceful, care, and protection" as required by the law, AND;

Seven: If this motion is granted, Mohamed will be subject of an immediate deportation to his country, Tanzania.

Argument

1- Victim of Abuse:

The U.S.C.G. § 1812(b)(4) provides in its relevant part that the EOCs exist when:

"The defendant, while in custody serving the time of imprisonment so-went to be reduced was victim of... physical abuse resulting in serious bodily injury... that was committed by... a correctional officer, an employee or... any other individual who had custody or control over-the defendant"

Since 1990 to 2020, the BOP staff have maliciously physically abused Mohamed in at least four different occasions, each of which causing him serious bodily injury. These abuses were committed in: 2000, 2008, 2018, and 2020. In revealing these abuses below, Mohamed first and briefly talks about the first two abuses and in doing so, he respectfully asks the court to take judicial notice from and construe the argument based on "victim of Abuse" (VOA) within the context of all of these abuses, disregarding the fact that Mohamed could not bring suits in the court against those officers who abused him in those two occasions. After that summary of the first two abuses, Mohamed in more details will lay down the other two abuses of 2018 and 2020 along with their relevant proceedings... and status.

A- The Abuses of 2000 & 2008:

In 2000 while waiting for the trial at Metropolitan Correctional Center (MCC), New York, the BOP staff, after another prisoner assaulted and seriously injured a prison guard, maliciously assaulted Mohamed within the 10-south unit, in the way to the medical unit, and more critically within the Medical unit. The BOP staff, led by senior MCC officials that included Captain Aponte, Lt. Carrino, and couns. for Santiago, tied Mohamed naked on four points and spent perhaps 5-6 hours torturing and abusing him. Mohamed was seriously injured. The X-Ray result showed, among many injuries, a broken nose and fractured eye socket. During the abuse, the MCC staff targeted Mohamed eyes, nose, and the rest of his face more than any other part of his body. He was hospitalized for 10 or 11-days, as a result. For details, See Mohamed declaration, Appx 148, at 1-9.

Mohamed has always maintained that he had no involvement whatsoever in the assault. The BOP, however, in the effort to cover up their crimes against Mohamed, issued him a serious report because of which he lost his phone, commissary...etc, privileges for two+ years. Appx 149. Mohamed respectfully asks the court that, should it per its own initiative or per the government request consider the 2000 events and Mohamed's alleged involvement; the court then would review the court conclusion and take judicial notice therefrom in *U. States v. Salim*, 287 F.Supp.2d 250, 294-6. 10-7; 2003). Mohamed was not a party in that court, nor was he represented in any way.

In January 2008 again, the BOP staff maliciously assaulted Mohamed in H-unit, ADX-Florence. This time, using the handcuffs as a tool of punishment contrary to the BOP's own relevant regulations, the staff seriously cut, injured and blooded Mohamed's wrist. Appx 149; 10.

Mohamed did not file an administrative remedy or any other grievance in relation to the 2008 assault mainly because of his serious fear from death with which the M-C staff repeatedly threatened him both during the assault and following it. Appx at 149; 9. Mohamed did, however, file a grievance related to the 2008 assault. He does not, however, as he writes, remember what the BOP's response said. He could not manage to go to the court.

These are the first two physical abuses against Mohamed from which, as stated above, he requests the Court to take judicial notice from now.

B-The August 2018 Physical Abuse As Detailed in Mohamed v. Jones et al. No. 1:20-cv-02516-LBT-MDB, Amend. Compl. Doc. 64:

In this violent abuse, committed in C-unit, ADX, Florence, Mohamed was once again seriously injured. The injuries were virtually all over his body. However, the most serious injury was the fracture on his right ankle which was eventually diagnosed as an "acute fracture," Doc. 64 at 118. For over two months, from 9-3-2018 to 11-16-2018, Mohamed was forced to remain on splint cast, and a wheelchair. Id. at 121-122. Today, six years later, Mohamed continues to suffer from both physical and emotional agony caused by that maliciously motivated abuse against him. Moreover, beside experiencing extreme pain in his fractured ankle, Mohamed also experiences pain on his legs, wrists, jaws, back... etc. Since 2019, Mohamed has been on different pain medications. Currently he's on meloxicam 15 mg tab. and Acetaminophen 325 mg tab; the second being added in this year. Appx 151 at 20. Mohamed incorporates by reference here the relevant sections and documents from his case Mohamed v. Jones Id. for the court's own review.

1- Administrative Proceedings:

Following the August 23, 2018 physical assault against him, Mohamed submit three different complaints and appeal within the BOP. However, the BOP either failed to respond or where it did, the responses were contradicting one another. Mohamed first sent his complaint to the Office of Inspector General, with the BOP. That was on 9-3-2018. See Appx at 6-16. Mohamed's complaining letter. The OIG received Mohamed's complaint, forwarded it to the Office of the Internal Affairs, COIA, and informed Mohamed of the above actions. See Id. at cth. OIG's letter to Mohamed dated 10-1-2018. Mohamed never heard anything else since.

Next, Mohamed filed a grievance under the BOP's administrative remedy program pursuant to 28 CFR § 50.13. The central office, the last level of the three levels BOP's grievance process, as the two lower levels before it, failed to provide Mohamed with any meaningful, definitive response, however. It stated to Mohamed in its 3-19-2019 "response":

Although review will be conducted and proper action will be taken... a decision to personally press criminal charges is one which is yours to make". See Response dated 3-29-2019, and Mohamed's B.P.II. complaint, dated: 12-14-2018, Appx at . The court may notice here; the referenced response's language is in the future tense "will be... And that's over eight months after Mohamed was physically assaulted on August 23, 2018.

Finally, Mohamed filed damages claim pursuant to Federal Tort claims Act, 28 CFR § 50.132. After about a year and half, however, the regional counsel denied the claim, telling Mohamed: "Investigation of... claim did not reveal" that Mohamed had "suffered any personal injury as a result of the negligent acts or omissions of prison employees acting within the scope of their employment". See the Regional counsel's response dated 1-26-2019, and Mohamed's complaint dated 4-8-2019, Appx at

2-The Court's Proceedings, So far

The case Mohamed v. Jones et al Id. currently, following the parties' briefings and the district court's ruling on the motion to dismiss, contains a total of 12-claims. Nine of the twelve claims are based on allegations under violation of the Eighth Amendment: three claims under each the theories: deliberate indifference to Mohamed's necessary needs of medical care...; uses of excessive force againsts him, and; failure to intervene to stop others from such alleged violations. The three remaining claims are Battery, state claims (FFCA) based on the Colorado law. The BOP's defendants and the Government did not contest the three Battery claims in their motion to dismiss. See Doc. 150, Id. (the court's order adopting magistrate judge's Recommendation on the motion to dismiss. See also the 10th Circuit's judgment dismissing the BOP's appeal; Mohamed v. Jones et al, D.C. No. 1:20-cv-02516-EBJ-MOB; App. No. 22-1453 (May 7, 2024).

In other words, the court's findings so far do establish that the BOP and its staff are liable of injuries and damages alleged by Mohamed... More relevant here; including the serious bodily injuries such as the fracturing of his right ankle... This court's finding, moreover, is not only reasonable, but is also highly supported by at least two equally important facts; one; the defendants' own admissions, and two; the Government's decision not to contest the battery claims in the motion to dismiss.

3- The Defendants' Answer & Admissions to the Complaint: Doc. 155

On 12-20-22, the defendants filed their answer: Doc. 155. There, even though such answer came over four years after the BOP's staff abused Mohamed, the defendants extensively refused to honestly provide answers. Thus, they repeatedly claimed "lack of information", as if Mohamed, and not the BOP itself, possess and maintain the relevant records. However, even with such an extraordinary claim of the lack of information, the defendants presented far enough admissions that render the avoidance from liability in their part almost certainly impossible. And that unavoidable liability is even more apparent when these admissions, coupled with Mohamed's allegations, and his confirmed physical injuries, are construed within the three battery claims which the government has never contested, at least yet.

Those few, but important, admissions include:

- ♦ At the time of the alleged physical abuse, Mohamed "was calm". Id at 16.
- ♦ Mohamed was "cuffed" and was not released from the cuffs while he was escorted". Id at 20, 22.
- ♦ After he was put on the ground, Mohamed's legs were restrained" as well. Id at 30.

♦ Mohamed "was wearing open-toe slippers... that at some point during the use of force... slippers fell off". Id at 35.

♦ The staff used force against Mohamed. Id: 35, 39, 40, 48, 56, 114, 115.

♦ Mohamed "began limping" while escorted to the observation cell. Id at 41.

♦ After the use of force" Mohamed "was injured. Id at 114.

♦ Mohamed "had swelling in his right ankle after the uses of force". Id at 115.

♦ After the X-ray was taken, "an orthopedic specialist noted that" Mohamed "had a nondisplaced fracture of the right distal tibia". Id at 118.

♦ Eventually, Mohamed "was provided with a splint and wheelchair... and on September 12, 2018 Dr. Ols placed a short leg cast on" Mohamed's "right leg". Id at 119.

♦ "The cast was not changed", and "was removed on November 16, 2018", while "the wheelchair was removed from" Mohamed's "cell on or about this" same date. Id at 121.

4- The Decision Not to Contest Mohamed's Battery Claims Was Most Likely Due to the Government's Recognition that, Based on the Available Record, It Could Not Escape From Liability Under the Colorado Law: Mohamed, respectfully, asks the Court once again to take judicial notice from this fact. The government could but didn't ask the dismissal of Battery claims in Mohamed v. Jones et al as well as in Mohamed's second case; Mohamed v. states No. 1:21-cv-02676-NYW-mab. See Id, doc. 177; Government, against partial motion to dismiss that doesn't contest the battery claims.

That decision was only based, Mohamed argues, on government's recognition that based on the record that includes; Mohamed sworn allegations, serious recorded injuries.... and the BOP's unavoidable admissions...., the U.S. government under the Colorado law cannot avoid liability here. That relevant record establishes more than what's necessary to adequately state and prove battery claim in Colorado. As the Tenth Circuit stated:

"Under the Colorado Common law of battery, one who intentionally inflicts upon another an offensive, although nonharmful, bodily contact, is liable therefore even though the act committed was not done with intent to cause actual harm." *Trujillo v. Goodman*, 825 F.2d 1453, 1461 (10th Cir. 1987). See also *Abdo v. United States*, 2019 U.S. Dist. LEXIS 213654, Dist. Colo. Dec. 11, 2019, stating:

"In Colorado, to establish a tort claim of battery, a plaintiff must show: (1) the defendant intended to make physical contact with the plaintiff, or to put the plaintiff in apprehension of immediate physical contact; (2) immediate physical contact of the plaintiff resulted; and (3) the contact was harmful or offensive."

As stated above Mohamed's allegations, injuries and the defendant's own admissions easily establish government's liability in both cases. (For details on Mohamed v. U.S. States Id see infra at (C) 2-A, p. 7-9). Mohamed's earlier efforts to obtain the relevant records related to these two cases were all successfully hindered by the BOP and the government.

C- The April 2020 Physical Abuse as Detailed in Mohamed v. U.S. States No. 1:21-cv-02676-NYW-MDB; Doc. 174:

As detailed therein, on 4-15-2020 while housed in D-unit, ADX Florence, Mohamed was again subjected to malicious physical abuse that caused him serious bodily injuries. The April 15, 2020 abuse was committed in less than two years from the above detailed abuse that was carried out on August 23, 2018 in C-unit. The ADX staff, now led by correctional officer Santistevan, by unnecessarily and maliciously pushing Mohamed, excessively tightening handcuffs that they applied on him, jerking him up through those excessively tighten cuffs and the chain around his waist and by lifting him up and aggressively dropping him on a bed.... all while Mohamed was in two week long hunger strike, sick, and extremely malnourished; seriously

(2) Besides few pages related to the x-ray of Mohamed broken ankle... the BOP refused to provide to Mohamed any and all relevant medical and other records in connection to the 2018 and 2020 assaults and accompanying events.... Mohamed also filed FOIA as well as an early discovery requests but all went unresponded to.... In sum, the government while claims "lack of information", it denied Mohamed any access to relevant record...

injured Mohamed. See Doc. 174 at 143-70, 190-92. The physical injuries and pain lasted up to a month. Id. The ADX-BOP staff then, as they did after the assault of August 2018, refused to provide Mohamed any medical treatments related to the injuries he suffered from the above described excessive force. Id. 167-7, 190. As detailed therein, Mohamed had been on hunger strike that the staff deliberately ignored, when he was subjected to these violent acts. Mohamed incorporates here by reference the above referenced and other relevant sections of his third amended complaint. Doc. 174.

1-Administrative Proceedings:

Once more, after the April 15, 2020 abuse Mohamed submitted three complaints and appeals within the BOP. But again, like in 2018, there was no meaningful response.

On May 19, 2020, Mohamed sent his complaint to the office of the Internal Affairs. See Appx at . However, the OIA neither responded to Mohamed's complaint nor acknowledged its reception.

Next, Mohamed filed the BOP administrative remedy grievance. The Central office stated in its 1-25-2021 'response' to Mohamed that:

"We have reviewed documentation relevant to your appeal... The Bureau of Prisons takes allegations of staff misconduct seriously. You were previously informed your complaint was forwarded to the appropriate component of the agency for review. No inmate is entitled to be apprised of the progress, outcome, or disposition of any review of alleged staff misconduct." See the Response and Mohamed's appeal dated 8-18-20, Appx

Finally, on June 29, 2020 Mohamed sent his FICA based claim related to the abuses of 4-15-2020. Appx at . The regional counsel denied this second complaint as well. See the Counsel's response dated 8-24-2020. Appx at .

2-The Court's Proceedings So Far:

In Mohamed v. U.S. States (previously; Mohamed v. Santistevan) Id. following the parties briefings on the defendant's motion to dismiss Mohamed's second amended complaint, the court dismissed all of Mohamed's claims but the two Battery claims which the Government chose not to seek their dismissal. See Doc. 123 at 26-27. The court's order dismissing all but the two Battery claims. Mohamed then sought to amend his claims once more. Eventually, the court allowed a total of six claims including the two Battery claims all under the FTCA, subject to Government's motion to dismiss. See Doc. 173. Id. (Adopting the Magistrate judge's recommendation in only allowing the six FTCA based claims including the two Battery claims. Recently, the Government again file motion to dismiss, but not the Battery claims. Id. do c. 177

3- The Government's Answer/ Admissions to the Second Amended Complaint Doc. 140:

Before Mohamed's filing of his now operative third amended complaint, doc. 170, the government filed its answer directed to the two Mohamed's Battery claims; Answer, doc. 140. (The rest of claims have been already dismissed). As it was the case with Mohamed v. Jones Id; the government again excessively claimed lack of knowledge. However as it was argued there, see Supra P. 6, at 3, even with these few selected admissions; Mohamed should easily establish government's liability based on Colorado Battery law. That's; when these admissions are coupled with Mohamed's sworn allegations and his injuries, such liability is easily established.

The government admitted, among other things, that:

- ♦ At the time Mohamed alleges he was abused, he "was restrained using full restraints which include handcuffs, a black box covering the handcuffs, and a chain around" Mohamed's "waist". Doc. 140 at 126.
- ♦ Officer Santistevan whom Mohamed alleged led the uses of excessive force against him and seriously injured him, "was one of the staff members escorted" Mohamed "to the... medical room". Id at 133.
- ♦ In the medical room, Santistevan "lifted up" Mohamed. Id at 136.
- ♦ At the moment alleged by Mohamed that the uses of unnecessary force occurred, Mohamed "Mohamed was fully restrained". Id at 137.
- ♦ In the medical room, Mohamed complained to the Nurse "of... burning pain" in his epigastrium that radiates up his mid deep chest to his throat. Id at 140.
- ♦ Officer Santistevan was also among the "staff... escorted" Mohamed "back to his cell" on April 15, 2020. Id at 142.

4- The Decision Not to Contest Mohamed Battery claims Was Most Likely Due to the Government's Recognition that, Based on the Available Record the Government could Not Escape Liability Under the Colorado Law:

As Mohamed argued earlier, Supra the available record makes almost impossible for the government to avoid liability under the Colorado Law. Mohamed respectfully incorporates by reference here his previously made argument at 4, p. 6-7..

D- The Current status of the Two cases sufficiently Establishes That: (1) the BOP staff Physically Abused Mohamed and caused him Serious Bodily Injury; (2) The BOP and its staff Are Liable; Therefore this Court Should Exercise its Discretion to Grant this Motion Because the waiting of Additional court's or Administrative Proceedings will Result in to the Unduly Delay cautioned by the 18 U.S.C. The above cited sentencing policy states in the relevant part when it comes

to ECRs based on the physical abuse:

"The misconduct must be established by a conviction in criminal case, a finding or admission of liability in a civil case, or a finding in an administrative proceedings unless such proceedings are unduly delayed or the defendant is in imminent danger."

Mohamed respectfully argues that the present state of his two ongoing civil cases, detailed above, meets the necessary requirements here. Thus, this court should favorably consider the status of "the two cases... That's because any additional condition requiring further proceedings will cause undue delay cautioned against by the sentencing policy..."

1- The BOP staff Physically Abused & Seriously Injured Mohamed:

As it has been shown earlier the court found, among other things, the BOP defendants used an excessive force against Mohamed while others failed to intervene to stop such forces... See Supra p. 5 (on Mohamed v. Jones et al. Id.). At the same time, the government chose not to contest the three battery claims... which only indicates Mohamed argues, the government acknowledges that it cannot avoid the liability based on its employees' uses of unnecessary forces against Mohamed... Id. p. 6-7. Moreover, the government for the same reasons, decided not to contest the two battery claims in Mohamed v. U. States... Id. p.

As for the injuries Mohamed argued and the government admitted that Mohamed's ankle was fractured in 8-23-2018... and as a result Mohamed was put on splint, a cast, and wheel chair... from September 12, 2018 to November 16, 2018. Id. p. 6 (injuries caused in 8-23-2018). In 4-15-2020 also Mohamed was seriously injured. See Supra at B. p. 7-8. (Mohamed v. U. States). For the ongoing injuries see infra 11A.

2- The BOP & its staff Are Liable:

That's, the government and its employees. That liability was established in Mohamed v. Jones et al. Id. by the court, as stated above, at, 1, p. 10. Additionally, the decision by the government not to challenge the battery claims in both cases also strongly suggest that the government knew it cannot avoid the liability based on battery claims under Colorado law. Id. Therefore, the government and its employees are liable for the damages and injuries they caused to Mohamed under both: federal law (the U.S. constitution) as the court found, and under the Colorado law pursuant to the FTCA. Even if the excessive force claims, in Mohamed v. Jones Id, that survived motion to dismiss will eventually fail to proceed due to lack of Bivens cause of action as the government has always argued especially after the Supreme Court's ruling in Egbert v. Boole, 142 Sct. 1793 (2022) and the recent circuit's in Silva v. U. States, 45 F.4th (2023) the liability under FTCA is unavoidable.

3-Therefore, The Court should Exercise its Discretion to Grant This Motion.
 The court has unquestionable discretion to grant this motion based on the already existing record from the two cases. It should do so. That's because requiring additional findings from the court and BOP itself not only will be prejudice to Mohamed but more importantly, will be to contravene the sentencing policy itself that clearly warned against the undue delay.

Mohamed filed the two cases at issue here in 2020 and 2021 for alleged abuses committed by the BOP staff in 2018 and 2020, respectively. In other words, the existing status and findings of the cases came about six and four years after the abuses. To demand additional judicial proceedings might mean delaying the consideration of this motion for another four to six additional years... That's clearly both, prejudice to Mohamed and contradictory to the policy itself. Moreover, the sentencing policy does not appear to have intended such interpretation here. The relevant part merely states that the sole requirement is "a finding... of liability in a civil case..." Id. It does not state that such liability must be found at the last stage or appeal of the litigation... Therefore the existing findings are sufficient here.

As for the BOP administrative proceedings, this also should not be allowed to hinder this court's discretion to grant this motion. As it has been shown earlier, following the two abuses and Mohamed's complaints and appeals within the BOP, the BOP's response was both, ambiguous and contradictory of each other. See *Supra* p. 3-4 & p. 8. Additionally, the government for at least five years now has been denying Mohamed any access of the relevant records. See *Supra* p. 7, N. 2.

Finally here, the few courts records, accessible to Mohamed that have considered the physical abuse as an ECP have done so favourably to defendant even though the findings and records there were less established. And that follow below:

E-Courts Have Already Started Granting Motions for C.R. Based on VOA Provision Even where the Injuries Involved Are Less Severe and Even Absent Administrative & Court's Findings:

The case on point here is *U. States of America v. Ras Matta* 2024 U.S. Dist. Lexis 51657 (CR-21-22-BLG-SPW/C Dist. Court of Montana Billings Division March 22, 2024). In this case the defendant file motion for C.R. after his finger was broken either by fellow inmates incited by prison guards or by guards own attacks on the inmate. In any event, however, as the court stated "the record does not demonstrate that BOP officers broke the inmate's finger." at Lexis 4. Id. The court started its analysis by quoting the new provision in U.S.S.G § 1B1.13(b)(4)(B), related to "victim of abuse." Id. at 3. The government, as the court observed "taken no position on the application of this provision because" the BOP was still "investigating these claims." The government also added "that its decision to take no position" is not an

admission that the defendant's claims have merit." Id. at 5. Based on that clearly incomplete record the court, favourably to the defendant, stated:

"In the absence of any evidence or information to contrary, the court finds the abuse suffered by the defendant constitutes an extraordinary and compelling reason for early release. As the defendant's BOP medical records elucidate, he clearly suffered injuries that required medical intervention." Id. at 5. Evidently, and based on the above facts and court's conclusion, the prisoner was released.

Because of his conditions of confinement and prison status, Mohamed could not locate additional cases on point. However, that's not necessary here because the relevant law is clear and unambiguous. See *Buono v. Tyco Fire Prods.*, 78 F.3d 490, at 495 (2nd Cir. 2023) (we begin with the language of the statute itself and that is also where the enquiry should end for the statute's language is plain); *Hartford Underwriters Ins. Co. v. German Ind. Ins. Co.*, 53 U.S. 249, 254 (1992) ("when the words of a statute are unambiguous... the judicial enquiry is complete"). And so should be here. As the *Matta* court did, so this court should do since the statute is so clear. As it was noted above, Mohamed's presented record here is far more complete than that of *Matta*. So his injuries; while he cannot dare minimize *Matta's* or any other prisoner's injuries suffered from the violent BOP staff; yet, it's unquestionable that Mohamed's injuries were much more severe than *Matta's*.

* Two Related Issues:

First: The provision "VOA" was created by the DOJ itself; so it must be Applied: As the "Amendments to the Sentencing Guidelines" (effective Nov. 1, 2023, p. 9-10), indicated that the new subsection (b) (4) victim of Abuse is based on: the Department of Justice's... suggestion that a sentence reduction may be appropriate when an individual in BOP custody has been... the victim of sexual assault perpetrated by BOP personnel...

Thus, any granting of this will simply mean approving of an act that the DOJ itself proposed and created. This reality also should deprive the government of any opportunity to oppose this motion.

Second: This Court and Others Reduce Sentences of Prisoners Who Help Saving The Lives of BOP staff; Thus, it's entirely logical to Reduce the sentence of a prisoner who was subjected to the BOP staff's Abuses:

In *U.S. v. Richard*, 2024 U.S. Dist. LEXIS 42815, No. 13-cr-0818 (LAK) (S.D.N.Y. March 12, 2024); this court reduced the sentence of a prisoner "who stopped a fellow inmate from... assaulting a staff member..." at LEXIS 1-2. See also *U.S. v. Ramos*, 2023 U.S. Dist. LEXIS 18718, No. 03-cr-315 (E.D.N.Y. Feb. 2, 2023) (same). In both cases, the courts found the acts of the prisoners constituted ECRs to deserve sentence reduction... The opposite of event should result in the same; when staff abuses prisoner, prisoner's sentence should be reduced, as

F- Courts in This District often Grant Motions For C.R. By Defendants Like Mohamed; convicted of serious crimes and originally sentenced to Life without Parole. But who're Also, Unlike Mohamed; Leaders of Their Respective Organizations

It's true that Mohamed was convicted of serious crimes to which he's sincerely regretful. It's also true that he was sentenced to life without parole. However, these two realities are not unique to Mohamed. This district's and others' records show that many defendants convicted of serious crimes and sentenced to life have been granted compassionate release under different ECRs, especially in the past few years. Moreover, a simple observation of those defendants' cases show one important difference between those defendants and Mohamed. And that's: many of these prisoners are or used to be leaders or the leaders of their respective criminal organizations and networks. That's not the case with Mohamed, however. The Government has never accused Mohamed, let alone presented evidence, that he has ever been a leader of any criminal organization.

Few among many of those examples include: *U.S. v. Quinones*, 2021 U.S. Dist. LEXIS 37628, 00-cr-7661 (J.S.) (S.D.N.Y. Feb. 23, 2021) (the court granting C.R. Motion under 3582 based on medical circumstances to a defendant sentenced to life without parole and who's the leader who "run a racketeering enterprise focused on the distribution of cocaine and heroin..."); *U.S. v. Rodrigues*, 492 F. Supp. 3d 306, 308 (S.D.N.Y. 2020) (Again, the court granting the similar motion to the defendant who "served as the chief lieutenant" to his codefendant boss Quinones, 1d, and who, like Quinones, was sentenced to life with parole); *U.S. v. Russo*, 693 F. Supp. 3d 325, 331 (S.D.N.Y. 2022) (Granting the same motion who's "captain of Colombo Family Criminal Gang" and who was originally sentenced to life without parole...); *U.S. v. Monsanto*, 2021 U.S. Dist. LEXIS 19636 (S.D.N.Y. Feb. 2, 2021) (Granting similar motion to the leader of a heroin distribution network, that known by the defendant himself "Monsanto Crew"); *U.S. v. Teller*, 2027 U.S. Dist. LEXIS 84489, 92-cr-66 (G.S.) (S.D.N.Y. May 10, 2022) (Granting similar motion to the defendant who "was the primary leader of a criminal organization known by his name 'Teller Organization', and who was serving life for murder and other serious crimes..."); *U.S. v. White*, 2020 U.S. Dist. LEXIS 221701, 96-cr-1123 (SHS) (S.D.N.Y. Dec. 8, 2022) (Granting the motion to a defendant convicted of murder and other crimes... originally, almost similar to Mohamed, sentenced to life + 25 years (as oppose to Mohamed's life + 40), and at 56, who'd "spent nearly half of his life in prison (again, close to Mohamed's 51, already spent roughly half of that in prison... since 1999...).

These are just few from so many similar examples. It's true that some of the defendants were much older than Mohamed's now; the defendants in Russo and Monsanto, were in their early 70's; for example; however it's also true that those defendants committed their crimes while they were much older than Mohamed was at the time of the crime

11- Mohamed's Medical & Health Circumstances

The U.S.S.C. § 181.1(b)(c) also provides in the relevant part while listing the ECR's:

"The defendant is suffering from a medical condition that requires long-term or specialized medical care that is not provided and without which the defendant is at risk of deterioration in health or death."

The above provision is perfectly relevant to Mohamed's case. For many years, Mohamed has been suffering from numerous health conditions to which the BOP either failed to address completely, or it tried to do so but in an untimely and inadequate manner. Besides, most of Mohamed's conditions listed below are a direct result of the BOP's decades-long abuses accompanied by deliberate indifference. In sum, most of Mohamed's medical conditions are directly caused by the staff's malicious assaults and other abuses in the first place. And in the second, the staff's deliberate failure to address those injuries they have maliciously caused. The below listed medical conditions therefore, are very different from other conditions usually presented by defendants seeking compassionate release... The COVID-19 pandemic, various type of cancer and diabetes... for example, can hardly be said that are the BOP-created conditions... But Mohamed's are.

Moreover, the BOP long time and repeated abuses against Mohamed are not without serious and long time emotional and mental effects on Mohamed and his daily life in prison. Therefore, this section includes both physical and emotional circumstances.

A- Physical Circumstances

Mohamed suffers from at least nine following physical medical conditions:

1- Excruciating and constant pain from his right ankle fractured by the Apx. staff in August 2018. As stated earlier, supra; B.I-4, p. 4-7, and as detailed in Mohamed v. Jones Id. Doc. 64, at 114-128, the staff maliciously assaulted Mohamed in 8-23-2018. Among the injuries caused by the assault was the fracturing of his right ankle. Even though he was told that the fracture had healed, he was also informed that the pain may never go away from him. Doc. 64 at 123. Currently, Mohamed is on Meloxicam 15 mg tab. for pain of his ankle, see Appx. 151; 20. The pain medication however, only partially and occasionally help. Mohamed's pain, otherwise, never left him since August 2018. Because of the excruciating pain, Mohamed has not been able to do any physical exercise for almost a year now, after his previous attempts to do so only increased the level of his pain. In Mohamed v. Jones Id.; the court concluded that the BOP staff have been deliberate indifferent in relation to their failure to treat Mohamed here... And that he adequately pled for injunctive relief including the surgery of his leg, Doc. 120 at 11-12. However, BOP failed to do any thing. It's, therefore, only granting of this motion would ensure relieve to Mohamed. His family is more than willing to provide him all of his medical needs. Appx. at 189, 95-96, 104

2-AN EYE & Vision Problem that the BOP failed to Timely Treat: As stated earlier; in the 2000 malicious assault against Mohamed, the BOP staff made special efforts to target Mohamed's eyes, nose, and the rest of his face. Supra at "A", p. 3. See Appx; 148, 149-157. His both eyes were badly damaged while the right eye's socket was also fractured as his nose. Id. After been examined by the eye doctor in ADX, he was told that he was lucky that he didn't lose his vision in that assault that among other damages, resulted in to the fracture on his right eye socket. Id. at 3. From that time (2002 or 2003) he was told that he needed surgery to remove cataract. For the next 20 years or so, there was no such surgery however. Finally, in early 2023 Mohamed received surgery for the removal of his right eye cataract. But he could only get one side cataract removal at a time; as a matter of policy, he was told. Id. 152. The next eye could only be fixed after the healing of the first one. Mohamed agreed on that plan. Id.

Meanwhile, following the removal of the right side cataract, Mohamed's eye glasses had to be replaced; at least based on the new condition of his right eye. However, the BOP would only replace the eyeglasses with the proper one; after the left eye had been already fixed. So, several months after the removal of the right side cataract, staff told Mohamed that he'll be taken again for the left side cataract removal. Mohamed again agreed, but he asked to be provided with the necessary glasses that may help him in his daily functionalities. Mohamed can't see in writing, reading... without the glasses... Besides his daily acts of worship such as reading the Holy Quran and other religious literatures, Mohamed by 2023 has three active ongoing lawsuits; see Id. Mohamed v. Jones et al. Mohamed v. U.S. States and Mohamed v. English et al.; 22-cv-03213. The BOP declined to provide such glasses. They informed Mohamed that, after his left eye has been fixed then he'll be given an eye exam for both eye. However, the BOP takes between 8 and 12 months to deliver new glasses. That would've meant that; in order to receive the necessary surgery, Mohamed not only would've been deprived of his daily acts of worship, leisure activities... etc. but would've certainly and unnecessarily lost all of his three cases for failure to prosecute since he had no way to convince the court to stay the relevant proceedings indefinitely. Thus, Mohamed was forced to decline the second step for the removal of his second cataract... But he only declined for the above reasons. Id. 152; 28. Meanwhile, his vision in the left eye continue to deteriorate. Id.

Therefore similar to his ankle problem, Mohamed can only get his eyes timely fixed after he's released from prison. The BOP had almost 20-years to do just that but failed only after Mohamed initiated and advanced in his lawsuits. The BOP pretended to come forth for treatment... possibly, to sabotage Mohamed's litigation.

3- Hypertension/High Blood Pressure that's steadily increasing. Mohamed was initially diagnosed with this problem sometime in 2014 or 2015. From the time of the diagnosis up to early 2020, the problem was treated with a single medication, Id. However, following the BOP staff prolonged deliberate indifference that led to total failure to provide Mohamed with any necessary medical needs and attention during his hunger strike in April 2020, this problem worsened, and ^{more} just a few months after the hunger strike, the previous dosage had to be increased and then another medication had to be added. See Mohamed v. U.S. States, Id., Doc. 174 at 88-199, 190-92. Since then, the problem only increased. Currently, Mohamed is on Lisinopril 40 mg tab, Amlodipine 10 mg tab, and Tera20sin 40 mg cap, all for his high blood pressure. Yet, the blood pressure is still high.

All of Mohamed's efforts to get this problem resolved and its root cause revealed to him have failed. In his case cited above, Mohamed requested an injunction that, among other reliefs, would've provided him proper treatment and the cause of this problem. Id., Doc. 174, C claims one through three at: 22-139; p. 30 (request for relief). However, the BOP and the government successfully blocked any further treatment. Consequently, the Court, agreeing with the government, dismissed the three official capacity claims whose sole objective was to obtain an adequate treatment of this condition and others resulted from the above mentioned deliberate indifference in 2020. See the Court's order dismissing the three claims, Id., Doc. 173.

In sum, as with the other two conditions mentioned previously, this one as well can only be resolved outside after this Court grant this Motion. In several occasions, the medical staff have expressed concerns that Mohamed high blood pressures, often found to be over 145 or even 150, may cause him heart attack, stroke... or other much serious and even fatal consequences. Appx: 152, 129.

4- Chronic/Longtime Constipation that the BOP failed to treat. Mohamed has been suffering from chronic constipation for over 15 years now, but not before his incarceration. In the years before 2015 the BOP provided Mohamed with several and different medications and food supplement. For example, at some point, he was provided with prune and raisin that to some extent did help. However, the BOP then decided that no such supplement could be provided any more. At the same time, all medication provided to Mohamed either failed to alleviate this problem, or did so in the beginning and stop shortly afterward. Id. But even with that hardship, Mohamed benefitted from a single fiber, powdery supplement that the prison commissary used to sell and Mohamed used to purchase. But some time in 2014 or so, the commissary stopped from selling that supplement. Mohamed's complaints under Administrative Remedy grievance on that were denied. He continued to suffer. Finally, some times in 2016 or so, the BOP agreed to take Mohamed to an outside medical facility for colonoscopy to examine his insides. The results

however were inconclusive. That was because as the doctor told Mohamed in the hospital: Mohamed's insides wouldn't allow clear view since there weren't cleaned adequately. Id. 153; 32. It was another BOP's indifference. The relevant medical staff should've informed Mohamed of upcoming colonoscopy much earlier in advance and provided him with the necessary laxative substance for cleansing his system than she did. Because she failed to do so, the examination was fruitless. Id. 32-34. Mohamed further efforts to get the examination repeated and getting further treatments have all failed since then. Consequently, he continues to suffer especially after 2020. It's normal for Mohamed to go four to six days without been able to use the rest room... which results among many impacts into an excessive intestinal gasses.

Mohamed's constipation were even further worsen by the BOP's deliberate indifference during Mohamed's hunger strike in 2020. Following that event and the stated indifference the problem only kept increasing. See Mohamed v. U.S. State, doc. 174 at 191. Mohamed's final effort to get injunction for treatment of this problem and others failed after government's opposition and the court's agreement with that opposition and its subsequent dismissal of those claims. Doc. 74.

Therefore, as with other three previously listed medical problems, Mohamed constipation can only be adequately treated outside prison after the court granting of this motion.

5-Swelling & Painful legs: ⁽³⁾ Since 2020 and due to the BOP negligence toward Mohamed's necessary substantial medical needs at the time, both of his legs have been swelling and extremely painful. As he's shown in his third amended complaint; initially the swelling included his face as well as his arms. Doc. 174 at 115, 121-140. The BOP medical staff told Mohamed that the problem might've been caused by lack of protein at the hunger strike at the time. Id. at 125. An outside medical source stated that, however, the problem, medically called "Edema" or fluid retention is caused by blood pressure or kidney and liver disease. Id. 153; 35. The BOP medical staff prescribed Mohamed with hydrochlorothiazide 25 mg tab. Id. Doc. 174 at 127, 137. He was also provided with a compression sock. These treatments only partially provide some relief... The pain and swelling's still unbearable every time Mohamed sits for long period of time.

The BOP declined to provide any further treatment. And Mohamed's efforts to get in prison have recently been opposed by the government, and thus, failed. Id. Doc. 173. Thus, only the granting of this motion will ensure an adequate treatment for Mohamed. Several of Mohamed's conditions originated or worsen from and by the negligence at the 2020 hunger strike, however, especially like Mohamed's here, is protected under the 1st Amendment. See Smith v. State v. Dist. 15515 230648 CN-D-N-V:10-20-2017; thus, cannot be used to justify negligence against

6- Extreme Constant Headache: This problem became constant since 2022 when Mohamed along with almost every prisoner in his range C-C-Range, upper, D-unit, ADX-Flores was infected with the COVID-19. Id. 154; 36. Because of the COVID-19, Mohamed seriously ill for over two weeks. The staff did nothing to help Mohamed and other prisoners. The only thing the medical staff did was taking of prisoners' temperature. Id. Among several of physical and emotional impacts left by the COVID-19 was the extreme headache. Mohamed also lost perhaps 90% of his ability to smell and 50% of his taste to this day. Id. 154; 37. The staff informed Mohamed that these and other physical and emotional conditions he was experiencing after he caught COVID-19 were possibly related to what they said "Long COVID". Some times in 2023 Mohamed was afforded an MRI to see whether something wrong could be found in his brain. Id. at 38. He was told that the result were normal, however. The extreme headache on daily basis, continued. After renewing his complaint and been seen by another medical staff, Mohamed was told that his headache might be the one, the staff called, "tensional headache", which he said, based on his knowledge of Mohamed's other ongoing medical conditions, is caused by other pain and issues in the body. He said, in particular, Mohamed back, jaws, legs, ankle, pain may cause the headache he's experiencing. The staff prescribed Mohamed with Acetaminophen 325 mg tab, for pain. Appx. 154; 39. The medication even though has minimally helped some other pains in his body, the actual headache is continue, so far. Id. whether is a tensional or other type of headache, it's still here. Two years or more have passed since the problem first occurred; yet, the BOP appears to lack even the knowledge of what the problem is. That's because, besides the ordering of the MRI, it did nothing to help Mohamed's condition. Only the granting of this motion may ensure Mohamed adequate treatment.

7- Extreme Pain in the Back, legs, wrists, and Jaws: Mohamed is been suffering from these areas since August 2018 following the BOP staff malicious attack against him. See Mohamed v. Jones et al Id. doc. 64 at 114-118. The staff deliberately delayed the X-Ray of Mohamed's jaws and wrists for almost two months, and then when they did the X-Ray, they told Mohamed the result were normal. Id. at 117. No X-Ray was taken from his back or legs. The back and jaws pain often interfere with Mohamed already little sleep he may have. Appx. 154. See also, infra at 29, p. 21. The jaws pain also deprives Mohamed of ability to consume hard food items such as Nuts except with extra hardship. Even chewing an apple sometimes is difficult. Id. 154; 42. The pain in legs and wrists prevent Mohamed from many simple physical exercise that he did before Aug. 2018.

(4) Mohamed was not vaccinated. After learning a prisoner vaccinated in the unit got serious medical complications as a result, plus the then confusing reports and opinions in the media about the benefits and harms of the vaccine, Mohamed had to decline the vaccination.

The staff finally provided Mohamed with Lidocaine Patch 5% for his lower and upper back pain, and knee brace for one of his legs. The brace helps in making the walking less painful. However, the patch doesn't elevate his back pain.

As with the rest of previously mentioned conditions, the BOP proved unwilling or incapable of treating Mohamed from these sufferings; over six years after the staff themselves maliciously caused them. With the granting of this motion, the court will allow Mohamed to seek and receive the adequate treatments.

8- Alopecia Or An Unusual hair loss: Mohamed experiences this problem for perhaps 15-years now. But he never had it before his incarceration. He tends to lose hair from different spots of his head while the blank spots aggressively itch. On occasions some spots grow back the hair while the new ones appear. For the past 15-years or so; at any given time Mohamed's head has maintained an empty spots. The BOP medical staff advised Mohamed to shave his head as often as he can. He does that, even though, religiously he's not comfortable doing so. That's because he belief that his religion does not encourage, rather, discourages him from frequent shaving... The constant itching, the bad, unusual appearances, frequent shaving, and religious effects caused by such shaving... all of these result into high level of discomfort, negative emotions... etc to Mohamed. Appx. 155: 43-44.

The BOP medical staff on two or three different occasions, all before 2016, injected Mohamed's skull, on effected areas, with steroids. That improved the conditions for some time. Since then however, the staff refused to provide any further injections or any other type of treatments. Mohamed's efforts to be examined by dermatologist also were denied. The BOP basically stated that the condition is not medical one, but is a mere cosmetic! Disregarding all of its physical and emotional impacts on Mohamed, for the past 15-plus years. Id.

As with other conditions, Mohamed can only receive an adequate treatment of this problem if the court grants this motion.

9- Passing Urine Uncontrollably: This problem started during Mohamed's hunger strike in April 2020 as a result of BOP's indifference to Mohamed's medical needs at the time. See, Mohamed v. U.S. States Id. dec. 174 at 191, 2 p. 30 (Request for relief). The problem does not cause physical pain. However, being an extra ordinary hardship to Mohamed's religious life and activities as a sincere Muslim. Islamically speaking, urine is an unclean substance; must be completely avoided. Appx. 155: 45. Mohamed daily five obligatory plus many other prayers, in addition to many daily, weekly, monthly, and annually rituals and acts of worship require him to remain absolutely clean, that the uncleanness as a result, also brings emotional issues. The government blocked Mohamed's efforts to get court's injunction for treatment of this and other conditions. Id. dec. 173. Thus, only the granting of this motion by this court, will ensure Mohamed's necessary treatments.

B- Emotional Circumstances

Besides those physical conditions listed above, Mohamed suffers from as many emotional conditions. But there's some small but meaningful difference between the physical and emotional conditions when it comes to the origin, source and their respective causes. All of Mohamed's emotional and mental problems that he's been suffering from 2018 to the present are explicitly caused by the staff's repeated physical and other abuses against Mohamed. Most of these conditions are well documented by the relevant BOP staff as well as by Mohamed's sworn civil complaints.

For example the 5.13.2022 "Resolve Psychosocial Assessment" ("Assessment") observed that "Mohamed was diagnosed with depressive disorder in 2019, and further diagnoses followed in 2020..." See the Assessment at App. (p. 1 of 3). Consequently, several medications were prescribed to Mohamed. Id. Mohamed then in 2020 was diagnosed with posttraumatic stress disorder (PTSD). Id. Mohamed incorporates the assessment here by reference.

The assessment further listed close to 20 conditions found with Mohamed. Id. Appx (p. 2 of 3), which are incorporated here by reference.

As for the reason and causation of these conditions, the assessment concluded that, were due to Mohamed "experiencing and witnessing multiple traumatic events while incarcerated that have caused him significant distress..." Id. Based on the above referenced assessment and conclusion, Mohamed was qualified to participate in Resolve Program... whose primary purposes include helping prisoners who suffer from trauma. Id. (p. 3 of 3).

Moreover, Mohamed's two civil complaints also account Mohamed emotional sufferings. See Mohamed v. Jones, et al Id. Doc. 64, at 126-128, also Mohamed v. U.S. States Id. doc. 174 at 192. Mohamed incorporates those paragraphs here by reference.

Currently, Mohamed is on buspirone 15 mg tab, and Escitalopram orally 10 mg tab, and mirtapine 15 mg tab, for his depressive and other related conditions Appx; 151; 20

C- The Impacts of the Above Shown Physical & Emotional Circumstances on Mohamed: Rendering His Incarceration Far Harsher and More Punitive Than This Court Had Anticipated While Sentencing Him in 2001

The combinations of the physical and emotional conditions listed above resulted in to an extraordinary hardship on Mohamed's daily life in prison. That combination of conditions work perfectly together in to creating such harshness and punitive level of conditions of confinement that this court did not and could not anticipate when sentencing Mohamed in 2001. Appx; 155-157; 46-53.

For example; the constant and extreme pain from his ankle, legs, back... and headache only increase Mohamed's depressive moods Appx at 155-56. Similarly his frequent decision to stay in bed or otherwise remain in his cell so to

because of his physical pain, or his excessive fears from the staff; see Doc. 64, Id. at 126, also App. at Appx. at 40(p. 2 of 3) or both; this only increases his constipation which is based on his own experience, worsen by lack of physical movement and activities. Id. at 156. The opposite is also true; per his own experience, the more he's physically active, the better he mentally functions. But in order to be physically active, he needs be pain free. Id.

A typical Mohamed's day since 2018 looks like this: he goes to bed after his last daily prayer, say 8:00 P.M. He then would spend two to three hours before he's able to fall asleep. At any given night he'd sleep about four hours and on rare days, five. However within those four hours he'd wake up in every 25-40 minutes due to several extreme pains, such as on his jaws, or back...etc, and the terrifying and violent dreams, often depicting similar assaults and abuses against him by the BOP staff. When Mohamed "officially" wake up in the morning for his first prayer for the day, he's almost always physically tired and mentally terrified. Because of the regular hardship associated with sleeping; he considers sleeping itself as one of his toughest tasks. He's afraid of sleeping. See Id. If Mohamed then physically able to leave his cell and overcomes his fear from the staff, whom he's just seen perhaps beating or even killing him in the dreams, he'd leave the cell. Otherwise, he'd remain in the cell sometime for days without leaving it. During the day, Mohamed always is on high alert. When he hears staff working, talking, making noises from their kees...etc, Mohamed cannot stop remembering the traumatic, violent event carried out by staff against him. The mere appearance of staff is by itself a terrifying scene to Mohamed. Id. at 157. Even though realistically he does not believe that all staff at all times are plotting against him and coming to once more get him; yet, when he hears or sees them he can't stop himself thinking that it may be this time that they'll kill him, as they've repeatedly threatened him during the attacks. Id. 157; 60. In sum, Mohamed is living in a terrifying world, day and night, awake or asleep. It's because of this briefly depicted hardship and the many terrible impacts caused by it (such as the feeling of constant fear, guilt, shame... loss of interest in positive activities...etc. See Appx at 40(p. 2 of 3). Mohamed has seriously considered the option of ending his own life. Id. 157; 51. See also Doc. 64, Id. at 127.

It's true that, due to his traumatic history in prison, Mohamed qualified for and successfully completed the Resolve Program. See Appx at 42-43 (Tret. Summary). It's also true that he did learn and benefited from the Resolve especially as he was completing it and at the time immediately following its completion. However, the Resolve didn't resolve all Mohamed's emotional issues... While his perceptions toward the staff has largely changed after Resolve, his fears, anxiety, nightmares... as well as all physical conditions remained intact. Id. 51-53. Moreover, since he was transferred from Apx in Sept. 2023, he's almost with no psychology treatments. Even adjusting his medications takes several months.

B-Courts in this District and others often grant motions for C.R., at least partly, based on the defendants' medical conditions as well as on the harsher and more punitive nature of the incarceration than that was anticipated by the court while sentencing the defendants and that's so even though these cases involved no facts or allegations that the BOP staff themselves maliciously and deliberately created those medical conditions and harshnesses in the first place; as it's the case in Mohamed's case. See for example, *U.S. v. Avenones*, Id. at LEXIS 150764 (granting the C.R. motion, partly because of the defendants' there, as Mohamed's here, "high blood pressure and hypertension"); *U.S. v. Gluzman*, Id. at LEXIS 150764, 21

The court granting C.R. motion because the BOP failed to adequately and timely treat the defendant who, among other issues, and similar to Mohamed here, needed cataract removal); *U.S. v. Patel*, 2022 U.S. Dist. LEXIS 150764 (S.D.N.Y. Aug. 12, 2022) (in granting the defendant's motion for reconsideration, the court listing his "various physical and mental ailments"); *U.S. v. Tallier*, Id. at LEXIS 11 (same; the court considers combination of medical conditions in granting C.R. motion); *U.S. v. Freeman*, 2023 U.S. Dist. LEXIS 180166 (E.D.N.Y. Oct. 5, 2023) (same; the court concludes that "a combination with other factors" the motion should be granted).

While it's true that most of these cases involved factors, argument, or consideration related to the COVID-19 pandemic, yet; it's similarly true that the COVID-19 pandemic, as virtually all courts to have considered it as a factor... agreed that; it didn't only presented serious medical complications and even death, but also it brought about unusual and severe hardship to the defendants involved. And that reality is at the center of Mohamed's argument here... The combination of his physical and mental conditions, almost all maliciously and deliberately caused by the BOP, rendered Mohamed's incarceration far harsher and more punitive than it was anticipated. See for example, *Avenones* Id. at LEXIS 5-6 (concluding that the pandemic and the severe conditions it caused "has rendered Avenones' incarceration far harsher and more punitive than the court had anticipated at sentencing"). *Tallier* Id. at LEXIS 5 (stating that "courts have recognized that the pandemic has made incarceration harsher and more punitive than would otherwise been the case." (collecting cases)). *Russo* 643 F. Supp. 3d Id. at 333, (concluding that "conditions... during the pandemic have made" Russo's "time incarcerated more punitive than anticipated at the time of sentencing").

That's exactly the case here. Since 2018 Mohamed has been forced by repeated BOP's physical abuses and deliberate indifference against him to remain in above shown punitive and torturous conditions... Unlike the COVID-19 though; Mohamed's conditions are BOP's created and are permanent... This court didn't sentence Mohamed to this kind of incarceration.

III- Unusually Long Sentence, Especially Compared to the Sentence Given to some of Mohamed's co-defendants who're, inspite of Their Bigger Roles in the Conspiracy, Already Been Released From Custody.

The U.S.S. § 1B1.13 (b)(6) provide in the relevant part:

If a defendant received an unusually long sentence and has served at least 50 years of the term of imprisonment, a change in the law... may be considered in determining whether the defendant presents an extraordinary and compelling reason... See also *Id* at "Reason for Amendment", under "Revisions to 'Extraordinary and Compelling Reasons'", p. 10-13. Explaining that: "if the court determines that the combination of the other two factors constitutes an extraordinary and compelling reason, the change in law is among the broad array of factors that may be properly be considered...". *Id*, p. 12-13. The Commission then stated: "This aspect of the amendment is fully consistent with *Concepcion v. United States*, 142 S. Ct. 2398. (2022). In the *Concepcion*, *Id* at *750 the Supreme court held "that the first step Act allows district courts to consider intervening changes of law or fact in exercising their discretion to reduce a sentence pursuant to the first step Act." (emphases added).

As an initial matter here, Mohamed respectfully argues that since he was sentenced by this court in 2001, there've been some important intervening changes of both the law and the facts. By that he means: after he was sentenced, several of his codefendants were sentenced as well. However, even though each of these codefendants, per the Government's own assertion and evidence, played much bigger role in the conspiracy than Mohamed; received much lower and lenient sentence than Mohamed. In fact, each of these (three) defendants, has been since long released from prison. This change of fact and law here, Mohamed argues, does qualify as an ECR to be favourably considered by the court if not alone and independently, then together with other ECRs listed in this Motion.

Mohamed is aware of three codefendants who've been already released, regardless of their long history within the organization and their bigger role in the conspiracy, as detailed by the government itself. Those three codefendants are: Ali Mohamed; Adel Abdel Bary; and: Mohamed Suleiman Al Nafi. Below, some details related to each of them according to the indictment that carry this court's stamp of Mar. 12, 2001, and other relevant records.

A-The Three co-defendants who've Been Already Released... And Their Respective Roles in the Conspiracy...

1- Ali Mohamed: ("A.M.") The above referenced indictment of Mar. 12, 2001 only listing and mentioning A.M. as co-conspirator and not as a defendant. That however, most likely because by that time the government and A.M. has already agreed on their

pleaded; the plea that was Not² extended to Mohamed. Otherwise the record shows that just few months prior to the stamping of the above referenced Indictment, A.M. was still referred to as "defendant". For example, in A.M.'s actual plea, Oct. 24, 2000, the record referred him as "the defendant". Similarly the caption on "U.S. v. Bin Laden, 126 F. Supp. 2d 1023 (2000) (Jan. 2, 2001), had his name listed with other code-defendants including Mohamed.

The indictment reveal A.M. as one of the most highest, longest and deepest involved individuals in the organization and the conspiracy itself. According the indictment:

◆ From at least as early as 1990... A.M. and others provided military and intelligence training in various areas including Afghanistan, Pakistan, and the Sudan, for the use of al Qaeda and its affiliates groups including the Egyptian Islamic Jihad id p. 92

◆ In or about 1991, A.M. and others... arranged for the secure transportation of Osama Bin Laden from Peshawar, Pakistan, to the Sudan... Id at 14.

◆ While in Afghanistan, in or about 1991 and 1992 A.M. trained members of al Qaeda in various military techniques including urban fighting, guerrilla fighting, and evasion of surveillance. Id at 17.

◆ Beginning in the later part of 1993, Anas Allibiy... and other members of al Qaeda discussed with A.M. "a possible attack against the United States Embassy in Nairobi, Kenya, in retaliation for the United States participation... in operation Restore Hope in Somalia". Id at 21.

◆ In or about... 1993 defendant Anas Allibiy and A.M. conducted visual and photographic surveillance of the United States Embassy in Nairobi, Kenya, Id at 21.

◆ On... September 10, 1998, in the Southern District of New York A.M. made false statement to a federal grand jury conducting an investigation of al Qaeda and Islamic Jihad, and the August 1998 bombings in Africa. Id at 47-48

Moreover the Court's transcript, dated 24 Oct. 2000, from an appearance by Ali Mohamed before Judge Sand, where A.M. confessed his crimes... provides much more details... There, among many things, he confessed that he was involved in the confessed activities since early 1980's. Id, p. 25, at 22. And he provides the details of his crimes at length... Id p. 26-32. Mohamed respectfully incorporates by reference A.M.'s plea, as well as the entire available transcripts, here.

Additionally, the government there told the court, among other things, that absent A.M.'s plea, the government would've to prove that, his conspiracy (Count Five) included the bombing of "United States embassies and kill United States Government employees..." Id p. 24. As Mohamed will further assert below, he was only charged in relation to the crimes connected to the bombing of Dare Salam, U.S. states Embassy.

As for the sentence, the court made clear that those "five counts" carried "a total maximum sentence of incarceration of life imprisonment plus any term of years" Id p. 18-19. After he pled, the court accepted the plea. Id p. 31-32.

Further More, the 9th Commission Report (2011?) provided some A.M.'s back ground, not mentioned in the two above referenced sources:

"Ali Mohamed..." is "a former Egyptian army officer who had moved to the United States in the mid-1980s, enlisted in the United States Army, and became an instructor at Fort Bragg. He had provided guidance and training to extremists at the Feroz Mosque in Brooklyn, including some who were subsequently convicted in the February 1993 attack on the World Trade Center..." Id. p. 68.

These are just few details concerning A.M.'s relevant role, history and activities. Mohamed does not know the exact length of sentence A.M. got. But, based on information and belief, he has been released from prison perhaps several years ago.

As it's clearly obvious A.M. was not only involved even in much more and more serious crimes than Mohamed, but also; he was at the top of the organization. And he so was since early 1980s (Mohamed here was born in 1973). Holding "two bachelor degrees and one master's degree"; transcript Id at p. 11; A.M. is presented in government's own records as military leader, trainer, and organizer... While Mohamed here is convicted of very serious crimes, the government has never alleged that Mohamed ever had a leadership position...

2-Adel Abdel Bary (Bary) Per this court's records: Bary, at least until October 2013, was facing virtually the same criminal charges that Mohamed faced and convicted of. See *U.S. v. Bary*, 978 F.Supp.2d 356, 359-60 (S.D.N.Y. 2013). Not only that, but per the 2001 indictment referenced above and shortly below, Bary, similar to A.M.'s records showed above: he was charged with crimes related to both bombings, in which over 220 people were killed. Mohamed here was charged of the crimes related to Daresalam bombing above. There, 11-people were killed. The murder of 11-people is a very serious crime, period. But the difference here is obvious.

Virtually similar to A.M., the indictment presented Bary as some one holding a very high position in the organization along with long history within it, and deep involvement in the conspiracy. For example, the indictment reveals:

◊ In... May 1996... Ayman Al Zawahiri appointed... Bary to be the leader of the London cell of Islamic Jihad. Id at 24.

◊ On September 4, 1997 defendant "Al Fawaz leased the office in London that was witnessed by Bary." Id at 29.

◊ On... October 29, 1997... Al Zawahiri "in Afghanistan" was asked to call the number 95637892, a mobile phone belonging to the defendant Bary. Id at 31.

◊ On... February 20, 1998... Bary leased the Beethoven street office, which he maintained until... on September 23, 1998. Id at 32.

◊ In... June 1998, the defendants... Eidarous and... Bary made efforts to facilitate the delivery of fake travel documents to co-conspirators who were members of Egyptian Islamic Jihad in Holland and Albania... Id at 35.

◊ In... July 1998... Bary reaffirmed his commitment... to objective of the... Islamic Jihad... and to... follow all orders. Id at 38.

◊ On... August 4, 1998... Bary received the threat by... Islamic Jihad to retaliate against the United States. Id at 38.

◊ In the early hours of August 7, 1998, facsimiles were sent to London, England, claiming responsibility for the embassy bombings in the name of the "Islamic Army for the Liberation of the Holy Places, for further distribution by co-conspirators". Id at 42.

◊ On... August 7 and 8, 1998, the defendants... Bary and... Eidarous participated in the dissemination of claims of responsibility for the bombings of the American embassies in the name of "Islamic Army for the Liberation of the Holy Places" to media organization in Paris, France, Doha, Qatar, and Dubai, United Arab Emirates". Id at 45.

These are some of the areas within the 2001 indictment describing some of Bary's activities from May 1996 up to the time of the bombing of the embassies. The indictment presents Bary, like it does with Ajm, as a high rank individual who was in direct connection with the most top leaders of the organization; leaving and receiving informations of the upcoming bombings before they occurred, and entrusted to disseminate the claim of responsibility after their occurrence. Once again, there's no evidence of such deeper and longer involvement in the conspiracy was presented against Mohamed.

After detailing on the remaining third co defendant, this argument will return to the next part of this section that includes this court's concerns during its sentencing of Bary. See *Infra* at "B" p. 28-30

3-Mohamed Suleiman AlNalfi ("AlNalfi") The indictment states that:

◊ In... 1989, Abu Ubaidah al Bawshiri... advised... AlNalfi to form Jihad group that would be based on the principles of al Qaeda and would be used to recruit Sudanese Nationals. AlNalfi thereafter formed this group and acted as its emir or leader. Id p. 12-13.

◊ In... 1990 and 1991... AlNalfi conducted studies concerning the feasibility of moving Usama Bin Laden from Afghanistan and Pakistan to the Sudan. Id at 13.

◊ Following al Qaeda move to the Sudan in... 1991, Usama Bin Laden... established a series of businesses in the Sudan... The defendant... AlNalfi helped to establish Taba investment in the Sudan on behalf of Usama Bin Laden... Id at 14.

◊ IN... 1992 or 1993, AlNalfi was instructed by Abu Ubaidah al-Banshiri... to arrange to have members of his Sudanese Jihad group to travel to Somalia on short notice to assist in the effort to expel United States and United Nations troops from that country." Id at 17-18.

Those are just some of the areas in which the indictment describes the leadership and deeper role and involvement in the organization and the conspiracy.

Moreover, court's records also provide additional relevant information regarding AlNalfi and his involvement in the group and the conspiracy. See for example *U.S. v. Bin Laden*, 399 F. Supp. 2d 465 (S.D.N.Y., 2005). Per the court's record from the above cited ruling:

◊ On certain time; AlNalfi had conversation with al-Fadi (former al-Qaeda man himself, now cooperating with the U.S. government) concerning the death of Abu Ubaidah al-Banshiri, al-Qaeda's military commander." Id at 501.

◊ AlFadi testify or otherwise answers government's question regarding as to why AlNalfi was "so involved with Jihad, Jihad group, stating that "Abu Ubaidah... and Abu Hafs... always try Sudanese people to help Jihad group. Because other nationality like Jordan, Saudi, it's a little far from Egypt. But, Sudan Port, it's big port, and it's easier... to do it through Sudanese people." Id at 502.

◊ AlFadi tells the government or the grand jury about "his own prior involvement with alNalfi in smuggling weapons, via camels, from the Sudan into Egypt." Id at 503.

◊ AlFadi testify that alNalfi knew El-Hage (another codefendant like Mohamed, sentenced to life p... very well. He knew him from Afghanistan..." Id at 504.

◊ AlFadi informing of the report from AlNalfi and others about al-Qaeda sending personnel to Somalia to attack international relief operations involving members of the United States military." Id at 504-505.

IN sum, AlNalfi, just similar with Am. and Gary, is presented by the government's own records to have had long history and deep involvement within the relevant groups and the conspiracy... The above cited records show his early history in the organization...; since at least 1989, when Mohamed was barely 16 years old boy... He's further presented as the leader forming his own Jihad group, planning moving BinLaden to the Sudan, there, assisting establishing his investments, then putting fighters together to send them to Somalia against the U.S. and U.N. troops... shipping arms from Sudan to Egypt... etc. As stated earlier, there was no evidence presented that Mohamed has any leadership position or such long history in the organization and the conspiracy.

the sentence

B- The Government's Reasons for the Lenient Sentence for Barry and the Court's Legitimate Concerns Regarding That Which Should Be Equally Expressed in Relation to Other Lenient Sentences Given to Other Mohamed's Co-defendants Including A.M. and AlNafci

In the *U.S. v. Barry*, 57 F. Supp. 3d 300, 1d at 304 the Court here expressed its "principal... concern with respect to the plea agreement" offered to Barry, "that would limit... Barry's... term of imprisonment to twenty five years which... may be too lenient..." The Court then addressed government's reasons for such leniency. Before turning to those reasons, Mohamed notes that; the Court's concerns here should be equally and rightly applied within the context of other shorter sentences offered by the government to other co-defendants. These include A.M. and AlNafci. Mohamed does not know whether similar concerns were expressed by the Court when sentencing those two co-defendants or not. But he argues that there's no reason why the same concerns were not appropriate in those two cases. Moreover, before going to the government's reasons... Mohamed makes clear here that he does not oppose Court's decision to accept the plea deal given to Barry... or other co-defendants... Nor is he asking the Court to resentence any of those co-defendants. He, however, asks this Court to use its discretion to reduce his sentence based, at least in part, on the fact these three co-defendants were offered by the government and sentenced by the Court to much lenient sentences than that Mohamed was sentenced to... And that, as it has been shown above, regardless of the fact that these co-defendants possessed much longer history in the organization and played much bigger roles in the conspiracy.

The Court noted, while listing the government's reasons in offering Barry the lenient sentence term of 25 years that:

First: the government "Now has conceded that it is not aware of any evidence that... Barry assisted in planning for or in carrying out the bombings themselves." 1d at 305. This government's rationale should not prevent this Court from exercising its discretion to grant this motion... The government only came forth with this reason after 15-years of alleging otherwise against Barry. Moreover, other defendants such as Fawwaz, El-Hage... and others were not accused of "planning..." "the bombings themselves", the condition that would've been hardly met even in the context of the most highest leaders of the organization themselves, yet, all were sentenced to life... similar to Mohamed. That was because all were "conspirators". As this Court perfectly articulated that point:

Conspirators are criminally liable for all acts of their co-conspirators in furtherance of the goals of the conspiracy. Moreover, a sentence of life imprisonment for participation in a terrorism conspiracy, particularly one that causes death does not require an operational role." 1d at 306.

Second: "accepting Abdel Bary plea agreement... would result in a considerably shorter trial, thus conserving prosecutorial and judicial resources". *Id.* This reason also should not restrict the court's discretion to grant Mohamed's motion here. Resources are resources. The government could've easily offer Mohamed and even other codefendants who went to trial with him... the same or similar plea deal so to "conserve" prosecutorial and judicial resources. But it didn't. See *infra*, III, at p. 31.

Third: Bary, then 54, "sentence of twenty five years imprisonment would result in his remaining in custody at least until he reaches his early sixties. By that time, he will have spent a substantial amount of his adult life in prison". *Id.* Correct. However, this same rationality is even truer in Mohamed's case. The court should favorably use the reason for Mohamed here who has already spent roughly half of his entire life in prison. Born 1973; in prison since 1999, almost all of that time under solitary confinement; see *infra* at V.D. p. 41-42, and maliciously physically assaulted at least three times; see *supra* at I.A-C. p. 4-9.

Fourth: "unlike many others", Bary "forthrightly has admitted his guilt and criminal responsibility to kill United States Nationals...". *Id.* at 306. This reason should not favor the leniency given to Bary and then been used here to deny this motion. As stated in the "first" reason... the government made selective decision to extend the plea deal to these three, and perhaps more, defendants but not to Mohamed and others who were tried and convicted with him. Moreover, Bary admission came 15 years after he was first imprisoned... and only after his failure to suppress vital evidence against him. See *U. States v. Bary* 978 F. Supp.2d 356 (S.D.N.Y. 2013). Thus, barely one year earlier before the plea deal was accepted, Bary was aggressively fighting in court to preserve his position and even to get this court strike out from the indictment phrase such "extremist interpretation of Islam". See *Id.* at 360. And:

Fifth: the plea deal "should be accepted because Abdel Bary... his new admitted commitment to the murderous goal of" Al Qaeda and Egyptian Islamic Jihad and he "never received military training or..." played any operational role...". *Id.* As it's shown above, this court observed in the same opinion, that "a sentence of life imprisonment" here did not require an operational role. Additionally, by the time of the acceptance of Bary's plea deal, other two defendants who also got lenient sentence; A.M. and Al Nalfi, both were already sentenced, and probably released from custody... Yet, both of them received military training and in the case of A.M., he was trainer and instructor him self... as well.

In sum, none of the reasons listed above should be used to restrict the court from exercising its authority to grant this motion. These reasons were only valid because the court selected Bary for plea deal; thus, selected the reasons accordingly. If the government ch

to be fair and unselective, it could've extended the plea deal to Mohamed. And certainly, could there have been a lot of reasons; ⁽⁵¹⁾ honest reason for such a deal and the lenient sentence attached with it. But the government decided to be selective. And that decision led to the extraordinarily long sentence given to Mohamed especially in comparison to these three codefendants' sentences. That extraordinary length of Mohamed's sentence along with the gross disparity between his sentence and his codefendants' constitutes the necessary ECR here to justify the granting of this motion.

C- The Jury's Findings and the Court's Observation, At Least Implicitly, Indicated That Other Defendants, Likely Including the Three at Issue - Here, Had Equal or Even Greater Culpability Than Mohamed...

As it's obvious throughout this motion, Mohamed lacks access to many relevant records. Those include court records, except the published case law... Hence, he's forced to rely on whatever court's opinions available to him. Concerning this point titled above the court's ruling on *U.S. v. Bin Laden*, 156 F. Supp. 2d 359 (S.D.N.Y. 2001) is highly useful. The court there allowed Mohamed, who was facing death penalty, to inform the jury at the relevant moment that other defendants in the case, including A.M. and Bary who're "equally culpable" will not face death penalty. *Id.* at 370-371 n. 14. Moreover, 11 out of 12 jurors indicated "on the special verdict form" of their finding and reason as to why Mohamed should not be sentenced to death that "others of equal or greater culpability in the murderous will not be sentenced to death", *Id.* at 371 (Emphases added). Finally, the same jury also wrote in the special verdict form that (this is per Mohamed's recollection, not included in the court's opinion cited above; and this court can easily confirm this) that Mohamed had a minor participation in the crime.

Mohamed need not emphasize the high level of relevance connected to this issue. Judge Sand allowed Mohamed to make such pleas to the jury only after and based on his years-long observations of the case, the charges against each defendant, and the evidence presented... The same is with the jury. For many months we witnessed all kind of evidence against the defendants including the three mentioned above... In sum, their conclusion was an informed one... Mohamed does not downplay the seriousness of the crime he was convicted of. However, it's not that hard to conclude, as the jury did, that he played a minor role... Even the indictment itself it only connect Mohamed to the crime at barely four months before the bombings. See Indictment at p. 35. The same indictment however, reveals that A.M., Bary, and Al-Nalfi, were deeply involved up to 10 years earlier... in different continents and countries around the globe.

⁽⁵²⁾ Based on the evidence it presented against Mohamed; the government could offer him the same deal and honestly reasoned; Mohamed had no planning or financial role; he was extremely poor & uneducated, had no prior crime history; never met any of organization leaders; he's only charged for nassalam bombings etc.

D- The Government Never Extended the Plea Deal Offer to Mohamed

As it was argued above, the government's decision to get the above listed three codefendants plea guilty in return for the leniency in sentence was selective. Mohamed never received through his attorneys or otherwise any indication or from the government that it was offering any kind of plea deal under any condition. See Apix at 1578. On the contrary, from the time Mohamed arrived in the U.S. following his extradition from South Africa, Mohamed was informed by his attorney that the government will almost certainly seek death penalty against him. Shortly after, Mohamed was told by his attorneys that the government didn't want anything than seeing him sentenced to death. Id at 54. And consequently, the government extravagantly utilized its unlimited resources to achieve that goal... It's an ironic then for the same government to argue before the same court that accepting other defendants' deal plea; Bury's, for example, will conserve the government's resources. See V. states v. Bury 57 F. Supp 3d 300, Id at 306. Mohamed was more than looking forward for such plea deal offered to other defendants but the government never extended it to him. Id

But even if the government did actually offered and Mohamed declined to accept the plea deal; by so choosing, he would only have exercised his constitutional right to jury trial, and the government could not've rightly used such Mohamed's decision to punish him more... See for example: Irvin v. Dowd, 366 U.S. 717, 722 (1961) ("the right to jury trial guarantees to the criminally accused a fair trial by a panel of impartial indifferent jurors"); Rodriguez v. Kaplan, No. 9:11-cv-0132 (NAM/RF) U.S. Dist. LEXIS 64198 (N.D.N.Y. May 9, 2014) ("a sentence is unconstitutionally vindictive if it imposes greater punishment because the defendant exercised a constitutional right, such as the right to jury trial"); Russo, 643 F. Supp. 3d Id at 335; the court explaining that:

the sentencing disparity between defendants who chose to exercise their constitutional right to trial and those who took plea deal - even though they were also indicted ON murder charges - is not only a factor worthy of consideration as an extraordinary circumstance; but also is a powerful § 3553 (a) Factor. If the government in offering its plea deals did not believe that all those indicted on murder charges should be sentenced to life, why should the court? (Emphases added).

E- Courts in This District (and Others) Often Reduce Sentences Through C.R. Motions to Avoid Gross Disparity in Sentencing

That's well established within the district. Thus, does not need lengthy case citations. See for example, Russo Id at 334-35. (the court noting in granting the defendant's motion for C.R. that the wide sentencing disparity that resulted to much longer sentence on Russo for choosing to exercise his... right to trial compared to the sentences given to his codefendants who took the plea deal

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does not reflect the goals of sentencing. And while the government's argument that accepting responsibility for one's crimes should result in a lower sentence is well taken, it is often disproportionately reflected in how codefendants are charged and sentenced. That's very true here. As stated above, the government selectively used its authority in to whom the plea deal should be given... And because it favored some defendants over the others; that resulted to the vast disparity in sentencing... See also U. States v. Ballard SS, F. Supp. 3d, 461, 468 (S.D.N.Y. 2021) (the court concluding in granting C.R. motion that § 3553 (a)(6) requires the court to "avoid unwarranted sentencing disparity among defendants with similar records..."); U. States v. Ramsay, 338 F. Supp. 3d, 407, 428 (S.D.N.Y. 2021) (also observing, in granting a similar motion, that "Congress requires the court to avoid unwarranted sentence disparity"); and: U. States v. Seabrook, 2023 U.S. Dist. LEXIS 30691 (S.D.N.Y. Feb. 23, 2023) at 9 (stating while granting another C.R. motion that "the First Step Act enables" the court "to consider an unreasonable disparity in sentencing between coconspirators as part of the extraordinary and compelling circumstances that justify lowering" the defendant's "sentence").

That's what Mohamed asks the court to do here. As stated earlier, Mohamed was sentenced to life without parole... That was almost 25-years ago. And as for A.M. he was most likely sentenced to much shorter sentence. Under any event, he's been released from custody long time ago, allegedly. Adel Abdel Bary was sentenced to 25-years. He was released in 2020 after only serving 21-years or so. See U. States v. Bary, 2020 U.S. Dist. LEXIS 186310 (S.D.N.Y. Oct. 7, 2020) (this court granting Bary's C.R. motion). Finally, Alnafi was sentenced to 121-months.

As this court correctly noted while accepting the government - Bary plea deal in 2014, Bary, as a conspirator... didn't have to participate in any particular operation... for him to be sentenced to life of imprisonment. U. States v. Bary, 338 F. Supp. 3d 300, 306. That truth is also true with A.M. and Alnafi who this court accepted the above referenced plea deal did not do so because Bary was not criminal... committed no crimes. See Id at 304 (noting that "it is difficult... to imagine the horror wrought... this defendant has pleaded guilty - a conspiracy to kill United States nationals..."). Six years later, the court again recognized Bary's serious crimes in a terrorist enterprise... The bombing of two United States embassies... Yet, with these a court's recognition of Bary's crimes, it accepted the plea deal and granted his C.R. motion. Even if Mohamed is released today, still, he will've served much longer sentence than A.M. Bary.

IV- Mohamed's Rehabilitation Efforts:

Even with and under harsh conditions of confinement, Mohamed's incarceration record in the almost quarter century contains remarkable evidence of his rehabilitation efforts, as detailed below. And while the rehabilitation alone may not be enough to support the granting of this motion, Mohamed's rehabilitation here qualify for an ECR since it's to be considered along with other ECR's detailed above as well as those come hereafter. This section is divided into the five sections (A through E) listed below:

A- Regret & Remorsefulness: Mohamed is sincerely regret his mistakes and actions that contributed to the suffering of so many. At the time of the crime he was barely 25. Looking back, he realized his mistakes and commit himself to be much better person going forward. One can, if so wishes challenge or question Mohamed's level or sincerity of his remorse. However, such questioning will certainly lack any supporting record that may in any way advise otherwise; for the roughly a quarter century in prison, Mohamed has never been descriptive for any act or correspondence for supporting or encouraging terrorism or any kind of violence. On the contrary, Mohamed's correspondence with his family and relative is nothing short of peaceful and tolerant experience. See Mohamed's family letters of support Appx 55-126. In fact, several member of Mohamed's family have expressed in their letters about Mohamed's communications with them regarding his regret and remorse Appx: 95-96, 118-119.

In sum, Mohamed's regret is unquestionable established... His words, his 25-years records... and his closest family members' experience all are indicating nothing than but a sincere regret and preparation and readiness for changing into better Muslim and person.

B- Almost Completely Clean Disciplinary Record:

Since his initial incarceration, 1999, to this day Mohamed has only been disciplined four times, and not five as some BOP's records indicate. But all of those four infractions except one, were purely malicious and retaliatory motivated. Following the BOP's last

(6) Among these four infractions, two were serious; related to fabricated allegations that Mohamed assaulted a prison guard in 2000. See Supra p. 3, n. 1 and attempted to assault another in 2018. The second one is minor with the staff nurse assault, as detailed Supra, App. 4. In both of these instances the BOP had to fabricate the infractions in attempt to cover up their own malicious crimes against Mohamed. Appx 48-50. The other two infractions occurred in Dec. 2001 or Jan. 2002 for failure to provide urine sample that the staff

essence of the most recent two fabricated infractions, in August 2018, Mohamed remained clean and free of any policy violation since. See the unit manager's at Appx .

That almost perfectly clean records is not often maintainable in prison setting especially when it comes to a prisoner like Mohamed, who's serving life sentence and doesn't have much to gain from such incident free life style. Nor much to lose from behaving otherwise. One court in this district correctly responded to the government's argument that appeared to down play the defendant's similar clean record there. The court correctly noted that such government's argument was a mere "discounting" the realities of prison life where infractions may be issued for matters as small as a messy cell. The court then noted there, as this could show here that "such a record is rare especially for a defendant who, serving a life without parole ... has no motivation to earn goodtime credit by avoiding inappropriate conduct." *U.S. States v. Teller*, 2022 U.S. Dist. LEXIS 84489 (S.D.N.Y., May 10, 2022, at 14).

Several of the BOP staff members as well as fellow prisoners provide positive character reference based on their experiences with Mohamed. For example, C. Huber, a senior officer describes Mohamed based on his many years of supervising him as "always... respectful..." and as "a model inmate". Appx at ; Chaplain Shuaib (formerly the chaplain/imam at the ADX Florence at which he experienced Mohamed), knows Mohamed as a person "demonstrates a sincere commitment towards preparing himself for re-entry..." He has stayed incident free, applying himself to education and programming such as the Challenge Program as well as religious courses in Arabic and Islamic studies. Chaplain Shuaib knows Mohamed as "quiet, intelligent, and respectful person". Appx at . Chaplain R. Ball also describes Mohamed as "always respectful", with "a quiet demeanor, cordial, polite", and he never saw Mohamed "caused an issue or made things difficult". Id at ; Finally here, D. Lazaruk, Mohamed's unit manager stated among other things "Mohamed continues to follow recommendations of the unit team and has a good rapport with staff". Id at .

Moreover, fellow prisoner S. Shabazz knows Mohamed as "the most earnest person" he "know when it comes to protecting the rights of incarcerated people", and "he is a quiet, thoughtful, and peaceful man". Id at . Another prisoner M. Duclan, describing

demanding from Mohamed in a late evening after he had abstain from food and water for about 14-15 hours as he was fasting. Id at 149; ii. This is the only infraction that might've at least some legitimacy in it. The last one was issued in Aug. 2018 for Mohamed's failure to drink nutrition resources during hunger strike. It was purely malicious since the BOP has no policy that forces striking prisoners to voluntarily drink or eat any thing. Id at 150; i. - Otherwise, Mohamed remained clean from at least Jan. 2002 - Aug. 2018 (16-years), and now, from 8/2018 to this day (8-years); Remarkable!

Mohamed as "one the most polite and courteous men," Duncan "have ever met in or out of prisons. He keeps to himself... and... moves with purpose... always available to others who are purpose driven..." Id at ___; W. Alwaan knows Mohamed as a person who "likes to help other people... often help" Alwaan to write "his" requests to staff, and saw "Mohamed" helping other prisoners to file their remedies." Id at ___; D. Morgan, Mohamed's cell-mate states his experience with Mohamed that he's not only "hold himself to the best standards, morals, ethics, but he encouraged others to do so as well," Id at ___; and; Mohamed Alouhali describes Mohamed as a "person defined by care and love... to... his family, and the respect to fellow prisoners and staff." Id at ___. Those are just few statements by staff and prisoners on Mohamed's character. Mohamed incorporates by reference here those letters.

C- Successfully Participating in Various Programs:

Over the years, Mohamed has successfully participated in many institutional programs. See Appx at ___ C.D. Lazarek, the unit manager, stating that Mohamed completed some 42 programs. In doing so, Mohamed has spent a total of 1247 , covering hours (the number comes from adding the number of hours together; see the relevant number along with the respective classes, Appx 73-76). Among of the recent courses taken by Mohamed is "Resolve", that its three phases , combined together took almost a year to complete. See the certificates of completion at Appx 44-47. And Dr. Mach's Assessments and Report at Id Per Dr. Mach, the BOP instructor; Mohamed is one of only five inmates who participated and successfully completed from Resolve programme in the entire AOX, D. Florence. Id at ___. Resolve program is one of the BOP's longest programs run under the First Step Act. The purposes of the Resolve program, including: improving prisoners' functioning by decreasing mental health symptoms result from trauma; increasing the effectiveness of other treatment programs; Reducing misconducts; and; Reducing recidivism. See the First Step Act Approved Programs Guide; Re Entry Service Division, posted Jan. 20, 2024. Meanwhile, Mohamed is not waiting list to complete his GED exams. He's been ready for taking them since while. Appx: 158-57

Moreover, Mohamed has participated in various programs offered by the BOP's religious service; See Appx at 49. Chaplain Shuang's letter stating of Mohamed's participation in such courses) while also, frequently, educates himself via religious literatures available from the religious service. Appx at ___ Chaplain's Raw letter. Additionally,

⁽⁷⁾ The AOX-Florence Psychology Dept, under Dr. Mach, run multiple Resolve classes simultaneously when Mohamed was there... Each class usually was made of 6- prisoners, as Mohamed's name was. A classes were either dismissed or their participants drop out before completion except 4 from Mohamed's + 1

through his own means, Mohamed completed two long courses on creative language and Biography. Id at Further More, over the years Mohamed learned from others and educated him self in Islam and other relevant issues. He did so so to be better person than that of 1998. Due to his success toward that end; he was able to prepare several of his own manuscripts... See *infra* at V; B; p. 38-39. It is significant that Mohamed taught himself some areas of civil law as well as relevant policies and regulations. That helped him and fellow prisoners to appropriately defend their rights while also avoiding violating the BOP's policies. Appx; 158; 57

Because of Mohamed's serious programming, the authority here at U.S.P. Prison recommended for his transfer to a lower BOP setting where he could also participate in the challenge program; another program under the FSA. See Appx. at 49 (Chap. 5, para. 5). However, other BOP's authority has so far denied Mohamed's transfer. Appx at 84 (C. Manager's Resp. on the BOP's denial to approve transfer).

D-Low Recidivism Status:

The BOP "FSA Recidivism Risk Assessment" shows Mohamed's risk level, General level, and violent level all to be low... Appx at . In other words, his recidivism is low. Because Mohamed is still incarcerated in the high security facility, however, his "security level" is necessarily remains high, accordingly. As stated in the previous section (C), the BOP so far hasn't approved the U.S.P. Prison's recommendation for Mohamed's transfer. And Mohamed, as a prisoner, cannot change that status.

E-Strong Family Bond, Excellent Reputation within the Family and the Family's Readiness to Help Mohamed Recover and Restart His Life

Per the BOP's records, Mohamed maintains "good" relationship with his family. Appx at 72 (from custody classification). Mohamed has tried his best to achieve that record regardless of his harsh conditions of confinement. See *infra* at V; D; 1-2 p. 41-42.

Within the Appendix attached with this motion, are at least 33 letters of support from Mohamed's family members that include his siblings, nephews, nieces, in-laws... etc. These letters, individually and collectively, reveal an excellent, positive Mohamed's reputation in the family as a family member. See for example, Appx 85-128. Moreover, the whole family expresses its readiness to help Mohamed obtain his medical and all other needs he needs and that he might need for recovering in his health and reestablish his life. See: Id at 89, 95-96, 104, 116-17. Mohamed respectfully incorporates here his letters of support by reference. Here, Mohamed also asks the Court to take a judicial notice from the fact that Mohamed maintained this strong family bond, as it's encouraged by the BOP policies, despite of hardship caused by communication restrictions, lack of visit due to the poverty, lengthy distance between

F- Courts, including in this District, Have Favourably Considered Defendants' Past Conviction Rehabilitation as a Relevant Factor Supporting Motion for Compassionate Release

It's true that per U.S.S.C. § 12.8. "Rehabilitation... is not by itself, an extraordinary and compelling reason." Yet, "Evidence of postsentencing rehabilitation may be highly relevant to several of the § 3553(a) Factors that Congress has expressly instructed district court to consider at sentencing." *Pepper v. U.S.*, 562 U.S. 479, 491 (2011). See also *Concepcion v. U.S.*, 597 U.S. 142 S.Ct. ___, (2022) at 745 n.8 ("Federal courts resentencing individuals... regularly consider evidence of rehabilitation developed after the initial sentencing"); *U.S. v. Rodriguez*, 492 F.Supp.3d 306, 311 (S.D.N.Y. 2020) (stating while granting the C.R. motion that "while rehabilitation alone is insufficient, it can interact... to create an extraordinary and compelling reason for a sentence reduction" citing *Brooker* 973 F.3d 226 (2d Cir. 2020); *Monsanto* Id. at LEXIS 3, listing favourably, for the leader of a criminal gang with extensive prior criminal history, "Numerous... programs, show to reduce recidivism" and his maintenance of "clear conduct since... 2011"; *U.S. v. White*, 2022, U.S. Dist. LEXIS 221701 (S.D.N.Y., Dec. 8, 2022) (again in favourably considering prisoner's rehabilitation on ruling on C.R. motion the court said: "the history and characteristics" of the defendant "did not freeze on the day of his arrest and incarceration"; *Russo*, 643 F.Supp. 327, Id. at 332 (same); *Quenones* Id. at LEXIS 6-7 (same). Sometimes the courts grant C.R. motions based, partly, on the defendants' rehabilitation even though such rehabilitation came after or along with negative disciplinary records. See for example: *U.S. v. Ramsay*, 338 F.Supp.3d 407, 428 (S.D.N.Y. 2021) (granting the C.R. motion by the defendant who was previously involved in serious incidents); *U.S. v. Ballard*, 552 F.Supp.3d Id. at 468 (the court favourably considers the defendant's rehabilitation (in 2021), even though the defendant, since 2008, had "twenty-one infractions").

In sum, even though Mohamed's rehabilitation presented above may not be 100% perfect, the rehabilitation should contribute positively in the court's decision to grant this motion. As stated earlier, Mohamed strove in accomplishing the above detailed rehabilitative success while both; he's incarcerated in extremely harsh condition of confinement; mostly under solitary confinement... with various physical and emotional issues...; and secondly; he did and is doing so even though such achievement wouldn't result into shortening his sentence via the good-time credit available for inmates serving non-life sentences.

(8) It's noted here that: per the ADX-Florence setting/solitary confinement; it's impossible for an inmate to complete any sizable rehab. and educational achievements than that Mohamed presented here. Inmates spend 22-24 hrs in solitary; any external school or course need a lengthy approval, often then denied... highest level of making restrictions.

V-Other (Seven Additional) Reasons:

The U.S.S.G. § 1B1.13 also provides that:

"The defendant" may present "any other circumstance or combination of circumstances that, when considered by themselves or together with any of the reasons described in paragraphs (1) through (4), are similar in gravity to those described in paragraphs (1) through (4)."

Below, Mohamed presents a total of seven additional reasons or ECs that asks the Court to consider them along with previously listed four ECs.

A-The BOP's Failure to, or, Adequately Treat Mohamed's Injuries Following the Staff's Physical Abuses on Him in August 2018/ April 2020

When the staff physically abuse a prisoner and seriously injuring him but then adequately provide the necessary medical treatments for such injury... Here there's one wrong: the assault resulted in to serious injury. However, when these staff seriously injure a prisoner and then deliberately fail to provide the necessary treatment for the injuries they've maliciously caused... Here there're two different wrongs. And that's what the BOP staff did against Mohamed in August 2018 and April 2020. See *Supra* at 1; B-C; at p. 4-9. In 2018, after breaking Mohamed's ankle the staff took nine days before seriously looking to the injury and providing an x-ray, and 14-days before diagnosing the injury. See *Mohamed v. Jones* Id. doc. 64 at 138-39. For almost two weeks, prior to the diagnosis, disregarding Mohamed's painful cry, staff forced Mohamed to walk with restraints on the injured areas, tied him tightly on chair... and without any pain medication. Id at 129-57. For almost two months the staff refused to x-ray Mohamed's injured jaws and wrists. Id at 117. Finally, with exception of 14 ibuprofen tablets, Mohamed was never provided with pain medication, despite of his repeated cries, until 4-23-2018 (over seven months later). Id at 125. Mohamed incorporate by reference here his relevant allegations from his complaint doc. 64, Id. as well as the Court's finding on motion to dismiss doc. 120.

That indifferent failure to treat Mohamed's injury was repeated again in April 2020. See *Mohamed v. U. States* Id. Doc. 174. After injuring Mohamed, the BOP staff deliberately ignored his serious injuries. Id at 167-170, 190, 192, as they disregarded the rest of Mohamed's serious medical needs at the time. Mohamed respectfully incorporates here by reference the relevant parts of his third amended complaint, doc. 174.

B-The BOP's Malicious Destruction of Mohamed's Personal Materials; Manuscripts, Journal, Notes... etc. August 2018

Besides their maliciously motivated physical abuses on Mohamed followed by their deliberate indifference toward his serious medical needs for the injury they've caused

to him, the BOP staff at the Aix-Florence, they simultaneously confiscated and destroyed large number of Mohamed's almost two decades worth of personal materials; all, maliciously and in violation of even the BOP's own relevant regulations. See *Mohamed v. Jones* Id, doc. 64, at 95-97, 105.

Among the materials confiscated and destroyed:

- ◊ Personal journal, in 12 Notes books with entries from 2001 through August 2018. Doc. 64 at 88.

- ◊ Three large manuscripts including Qur'an (Islamic Holy book) translation from Arabic to Swahili; Mohamed's native language, that Mohamed had translated. Id at 89-92.

- ◊ Personal Notes... comprising summary of up to 150 books that Mohamed read and took notes from previously. Id at 94.

- ◊ Seven to Eight religious, personal books... Id at 94.

In short, the BOP staff virtually destroyed every thing that Mohamed had been working for since 2001. Worst, the BOP has no remedy for such intentional, maliciously motivated loss. Id at 104. The loss is irreparable, and in no condition is less damaging to Mohamed than the breaking of his leg also maliciously by the same BOP staff. As Mohamed alleged in his sworn complaint; those materials:

were the result of many years of (Mohamed's) reading, studying, and collecting. The manuscripts along with (the) journals... were the most important and the only material achievement that (Mohamed) worked so hard and so long to acquire in (his) entire life. They are irreplaceable. Id at 92.

C- Lack of Relief. Otherwise, For the Above mentioned Damages, injuries

Regardless of Mohamed's Ability to Establish That the BOP staff Have

Factually, Deliberately, and Maliciously Caused These Damages, injuries:

In this third additional reason or ECR, Mohamed argues that it's an extraordinary and compelling reason and circumstance relevant for the C.R. motion that prison staff deliberately and indifferently failed to provide Mohamed with the necessary medical care after maliciously injuring him (Supra "A"), and then maliciously destroying his almost 20-years worth of precious materials... (Supra "B") and then even after Mohamed factually showing that, in fact, the staff committee both wrongs as alleged, but yet; Mohamed cannot recover any damages, not because; he fail to prove the alleged violation but simply because there's no recognizable cause of action for the alleged violation against these federal officials. That's exactly what happened in both cases when the court ruled on the motion to dismiss. As the District Judge wrote in *Mohamed v. Jones et al.* while adopting the magistrate Judge's dismissal of Mohamed's First Amendment claim on

the destruction of his personal material for lack of Bivens cause of action. Plaintiff's seventh claim seeks a Bivens remedy for BOP officials allegedly taking and destroying (1) [his] daily journals or diaries comprising 12 Notebooks, with entries from 2001 through August 2019, (2) three manuscripts written by plaintiff. I do not downplay the mental and emotional impact of the sudden and irrecoverable loss of one's life work. In my opinion, needlessly and unjustifiably destroying 20 years of work would be, in the colloquial sense, cruel. But I agree with and adopt the magistrate judge's recommendation dismissing this claim for lack of a Bivens remedy. *Id.* doc. 120, N.1, at p. 3 (Emphases added).

As stated above, that's an extraordinary... In a country like this one, a person maliciously destroys 20-years of hard working without any relief for the victim and no legal consequences for such perpetrator!

And the court stated, in *Mohamed v. U.S. States* (formally, *Mohamed v. State of Nevada*) *Id.*, while adopting another magistrate judge's recommendation dismissing constitutional claims under the theories of Deliberate Indifference, Failure to Intervene, and excessive force for lack of Bivens remedy after the Supreme Court's decision in *Egbert v. Boule*, 142 S. Ct. 1792 (2022), and the Tenth Circuit's decision in *Silva v. U.S. States*, 45 F.4th 1134 (10th Cir. 2022). The court said:

In so concluding, the court joins other courts in this district upon the fact that had the alleged events in this case occurred in state correction facility, Mr. Mohamed would have at least a cognizable claim to pursue and notes that this disparity underscores the need for Congress to act. The court pauses to voice its concern that broad application of *Egbert* and *Silva* will insulate virtually all misconduct within prison walls by federal actors from liability for damages... A federal prison official may sadistically beat an inmate to within an inch of his life and that inmate will not have a civil remedy against that prison official... *Id.* doc. 123, p. 23 (Emphases added).

And thus, per these two courts' conclusion; Mohamed has adequately pled his claims... under the first Amendment (*Mohamed v. Jones*), and the Eighth Amendment (*Mohamed v. U.S. States*), however, there's no law under which these courts could've held the BOP liable for damages and injuries they caused to him. med... That's because the Congress hasn't given that authority to these courts.

However, the Congress, certainly, has given this present court to favourably consider this E.C.R. and thus release Mohamed from the hands of government's officials who are, apparently, beyond and above of all law... Per this status quo; the BOP staff are free to sadistically assault and even murder Mohamed and destroy whatever he may possess at any time... That's an extraordinary circumstance. This court should consider it favourably.

D - Prolonged & Harsh Conditions Under 20+ Years of Solitary Confinement:

Mohamed has been in prison since 1999. From the first day of his imprisonment to the last year (April 2023) Mohamed was solitary confined. This reason or ECR is in two following sections:

1- The Brief of Mohamed's Own Experience in the Solitary Confinement:

In his declaration, at Appx 158-170, Mohamed provide briefly, his own experience in the solitary confinement (S.C.) as he himself lived it and as he saw fellow prisoners lived on it. Mohamed incorporates by reference his statement referenced above herein.

2- Courts' critical view of the Solitary Confinement:

The Courts understandably, treat the housing of prisoners for a lengthy under solitary confinement very seriously... to the extent that such lengthy confinement trigger the Due Process. See for example *T.S. V. Tkach*, 714 F.3d 99, 106 (2nd Cir. 2013) ("we have held that a prisoner has a liberty interest that implicated by this confinement if it imposes an atypical and significant hardship on the inmate... In the absence of factual findings to the contrary, confinement of 188 days is a significant enough hardship to trigger *Sandini*."

Mohamed should note from the start here: he didn't remain in S.C. for 188 days, but rather, 23-years. That makes about 8393 days (365×23). And that's not in any regular prison; but in the ADX-Florence. Moreover, up to 2015 Mohamed was held under both; Special Administrative Measures (SAMs) as well as under the solitary confinement. See Appx 158-170.

The Courts are, virtually, unanimously critical of the prolonged S.C. And that's for very good reasons; the negative impacts of the S.C. See for example *Gallina V. Wilkins*, 988 F.3d at 148-49 (2nd Cir. 2021) (Judge Pooler dissenting:)

Prolonged solitary confinement is one of the true horrors of the modern day penal system... Studies have shown that prolonged solitary confinement can result in paranoia, hallucinations, suicidal ideation... decline in mental functioning, insomnia, nightmares... PTSD, self-mutilation... There is not a single study of solitary confinement wherein nonvoluntary confinement that lasted for longer than 10-days failed to result in negative psychological effects. (Citations omitted).

Regarding the super-max confinement specifically; see *People v. Annucci*, 1, 2016 US Dist. LEXIS 43556, (S.D.N.Y. March 31, 2016):

Indeed, the literature is virtually unanimous in its conclusion: prolonged super-max solitary confinement can and does lead to significant psychological harm... After even relatively brief periods of solitary confinement, inmates have exhibited symptoms such as hypersensitivity to stimuli, perceptual distortions... increased anxiety, lack of impulse control, severe and chronic

depression."

As for the SAMs restrictions, they've been found to be even more severe than the usual S.C. See *U.S. v. Schulte*, 2021 U.S. Dist. LEXIS 19300-3 (S.D.N.Y. Oct. 6, 2021), at LEXIS 22, n.32. SAMs create isolation that even more extreme than solitary confinement, and "inflict the most severe form of isolation found in United States federal prisons".

It's not hard to understand why SAMs are worse than the normal S.C.: the regular S.C. usually strictly confines a prisoner alone, isolating him from the rest of prison population... The SAMs does that as well. But they go much further; they reduce the world population, including the prisoner's own family to some thing merely called "immediate family": parents, spouse, and children of the prisoner... And in so many instances, the government for so many or without any rational reason, exclude from the immediate family even some of those who originally qualified by the definition of the term... As they did with Mohamed, Appx 163; 76, and did and do to so many other prisoners. So, while the regular S.C. usually limit prisoner's functioning within the prison itself... and otherwise allow him to communicate with outside world; the SAMs target both sides of prisoner's life... and as Mohamed experienced them; they even, occasionally, determine things like: which kind of food items... a prisoner can purchase and consume from the commissary... Appx 160; 64.

Now, it's true that when this court sentenced Mohamed in 2001 SAMs restrictions were already controlling his confinement... and this court, presumably knew of that fact. However, that court's knowledge back then does not disqualify this reason or FCR to be a relevant for consideration of this motion right now. See *U.S.S.G. 1B1.13(e)*:

"For purposes of this policy statement, an extraordinary and compelling reason need not have been unforeseen at the time of sentencing in order to warrant a reduction in the term of imprisonment."

Finally, here; the extraordinary nature of the S.C. especially that also includes SAMs restrictions, can be easily determined by the sheer number of prisoners held under those draconian restrictions. Around the time where Mohamed was still under SAMs, this SAMs were removed in Nov. 2015, as the Schulte's court noted in 2013: doing perhaps 200,000 inmates in the BOP custody; only 54 of them were held under SAMs for various reasons. *Schulte* id. n.3. In his almost 25-years in prison, Mohamed has never been disciplined for any violations regarding his correspondence and communications... Appx 166; 100. The fact that may show that the SAMs restrictions were not necessary to control or limit his ability to correspond with others since there's no evidence that he'd use the correspondence for any illegal or inappropriate purpose.

E-Family Circumstances

Another reason for ECR, Mohamed argues, is the circumstances surrounding himself and his family. Briefly: Mohamed is from TANZANIA, East Africa. Virtually all of his family members and relatives live there. Currently, Mohamed has a Mother, seven siblings, 40-50 nephews, nieces, several cousins, an uncle, ... among other relatives. Meanwhile, Mohamed's family is poor, and ever since he was sentenced, Mohamed has never have any visit from his family and relative. Actually, since 1998, Mohamed had just visited with his family once. That was in 2001 when his Mother along with four siblings were brought via court's expense as a part of his defense. Mohamed visited with them for very short period of time behind wires separating the two sides. Appx at 171:26. Since then Mohamed's family failed to visit him since they couldn't afford the expense necessarily needed. Id.

Through mail, phone, and recently, e-mail, Mohamed tried his best to maintain strong relationship with his family and relatives. But these available means cannot do every thing... Thus, for the past quarter century, Mohamed missed every good and bad event in the family...

Since he's been incarcerated, several member of the family and relatives have died. Within that period of time, Mohamed had lost five uncles, an aunt, grandmother, five cousins, and his twin sister who died in February 2022.

Id at 171:130

For almost two decades now, the health of Mohamed's mother has been rapidly in declining. Currently, Mohamed's mother is completely immobilized by several physical conditions. Potentially, she's demented. Because of her serious physical and mental deficiencies, she needs at least two grown, capable persons to care for her at any given time. Id. 172:138. While Mohamed's siblings have been taking care of the mother for almost 20-years now, Religiously as well as morally, Mohamed's required to share that burden as well. That's so, especially when is considered with the fact that Mohamed, at 51, is the second last among the siblings, and several of his siblings themselves have medical conditions related to their advanced ages. App. Mohamed couldn't attend his twin sister's or any other family member's funeral... However it's within this court's discretion to allow Mohamed at least see his mom again for the last time and attend her funeral when she dies. As it has been shown above at D), the fact that the Court was aware of the family circumstances detailed here at the sentencing time, does not mean that the reason cannot be an ECR. Indeed, it is.

It's clear from the above briefed circumstances, both Mohamed as well as his family, as the supporting letters express themselves, Appx 85-128, have been extraordinarily impacted with the past quarter century of Mohamed's incarceration... Not so many prisoners in this country face such hardship and that should be favourably considered by the court here.

The Courts favourably consider circumstances surrounding prisoners and their families in ruling on C.R. motions. See for example: *Concepcion* 1d 597 U.S. at 749 (citing a lower court's statement, approvingly, in its consideration to the fact that "the defendant had not seen his children in eight years"); *Tellier*, 2022 U.S. Dist. LEXIS 84489 (S.D.N.Y., May 10, 2022) at 7 (citing the hardship caused by the Covid-19 that included; the defendant "was limited to one-ten minute phone call per day", and "has not seen his family in 19 months due to visitation restrictions"); *States v. Patel*, 2022 U.S. Dist. LEXIS 150764 (S.D.N.Y. Aug. 12, 2022) at 4-5. (considering, favorably, in granting the motion for reconsideration, among other factors, the defendant's "mother's ailing health").

F- Lack of Secured Environment For Mohamed Due to the BOP Failure to "provide for the safekeeping, care, and subsistence"

As it was shown above; the BOP staff have maliciously physically assaulted Mohamed at least on four occasions, each resulting in to serious injuries, *supra*; at 1: A-C p. 4-9. At the same time, the BOP has been completely deliberate and indifferent toward all Mohamed's substantive medical needs that arisen from those malicious assault or otherwise. *supra* at 11; A.1-9, p. 14-19. Moreover, the BOP, also maliciously have been confiscating and destroying Mohamed's decades-long worth of personal materials... *supra* at V: B, p. 38.

In sum, the past 25-years of Mohamed's incarceration prove that the BOP fail to fulfil its statutorily imposed obligation to provide Mohamed the necessary safety and care... Mohamed's personal, physical as well as mental wellbeing and also that of his positions and properties are in constant maliciously motivated danger... As it was shown above, Mohamed is forced to remain in continuing forever fears... *supra*; 11: A p. 20. This is a failure. "The BOP, by statute, has the duty to 'provide for the safekeeping, care, and subsistence' of all inmates and detainees in its custody. 18 U.S.C. § 4042 (a)(2). See *Rivera v. Fed. Bureau of Prisons*, 2018 U.S. Dist. LEXIS 212231 (S.D.N.Y. Dec. 14, 2018) (citing *U. States v. Muntz*, 374 U.S. 150, 164-65 (1963).

Mohamed argues that; this is an ECP. Not so many prisoners are so often maliciously subjected to violent acts by the BOP staff... Moreover, the BOP can never do otherwise with Mohamed. That's so because; the BOP has never once acknowledged the staff's violence against Mohamed. Without acknowledgement, there's no accountability. And that means; the staff will. They abuses Mohamed when they want and where they want.

In doing so, the BOP allow its staff to violate not only the written regulations and laws, but the Courts' orders themselves. And that include the order of this Court as well. The case *Mohamed v. English et al*, no. 22-cr-03213, is an excellent example; as Mohamed has alleged there, due to the BOP staff's retaliatory and provocation purposes and motivation, they demanded that Mohamed must pay \$50.00 monthly. demand was not only beyond Mohamed's ability, but even more importantly, it was to

in violation of this court's sentencing order. This court had explicitly indicated that Mohamed is to pay \$25. courtly if he receives over \$75 monthly. The Aox staff knew of that order since at least 2004 or so... when Mohamed informed the staff about such order, the staff made clear that he didn't care of what this court had ordered... Id. Doc. 59, at 5, 27-28.

In short, the BOP not only fails to fulfill its duty required by the statute toward Mohamed safekeeping... but it actively time and again encourages its staff to do the opposite by defending and even justifying those repeated abuses.

G-If this Motion is Granted, Mohamed will be Immediately Deported to Tanzania.

Because Mohamed is not a citizen nor a legal resident of this country, he must be deported to his country, Tanzania, soon after he's released.

Courts in this district and others consider this type of deportation in favour of the defendants seeking C.R. while also expecting to be deported. See for example; V. states V. Salazar-Espinoza, 2023 US Dist. LEXIS 161431, No. 5-CR-517 (LAK) (S.D.N.Y., Sept. 12, 2023) at 9 (this court granting C.R. motion and ordering "the transfer of the defendant to the... ICE); V. states V. Bafu, 2020 US Dist. LEXIS 186310, No. 98-CR-1023, (LAK) (S.D.N.Y., Oct. 7, 2020) (the court again granting Mohamed's codefendants C.R. motion, ordering that he should be released "subject of an immigration detainer that will result in his removal to the United Kingdom."); V. states V. Russ, Id. (S.D.N.Y., 2020) at 325. (the court concludes that within the §3553 (a) analysis, the defendant "will not pose a danger to any persons... because he was to be removed upon release); Patel, Id. at LEXIS 5-6 (in granting the motion for reconsideration, the court states that it overlooked the fact that the defendant will be deported pursuant to an ICE detainer" (citing large number of cases on that precedent).

These cases, some implicitly, as many others show that the court view the deportation as a factor supporting the granting of C.R. motion. That's because, once a defendant is deported to his country, the American public faces no danger from that defendant. That's very true in Mohamed's case...

The government may argue that the deportation of Mohamed to his country will not necessary keep American public or others safe from his crimes. That's because, the government may potentially argue; Mohamed's past crimes were committed there; in Tanzania, not in America... The court should reject such argument, however. That's because Mohamed now 51, as oppose to the age of 25 when the previous crimes occurred, is regretful of his past mistakes and has no intention of repeating them. Moreover, the government has never accused Mohamed, let alone presenting evidence, that in his 25 years in prison had ever attempted or tried to attempt participating in terrorism or any other illegal activity in Tanzania or anywhere else in the world.

* - Under the Above Presented ECRs, the § 3553(a) Factors should weigh in Favor of Granting Mohamed's Motion for compassionate Release. Mohamed argues that based on the above presented record which listed a total of 11 relevant ECRs, this court should conclude that the § 3553(a) factors are satisfied and met.

§ 3553 Factors

(A)(1) The nature and circumstances of the offense and the history and characteristics of the defendant: It's true that the crime here is very serious. However, besides that truth, the rest of the provision (A)(1) favors the granting of this motion. Mohamed has no criminal history... His past; pre-1998 bombing, is undisputedly clean. The government never shows otherwise. Moreover, Mohamed family's letters of support emphasize the same. Additionally, Mohamed has recognized his past mistakes expressed his sincere regret, and has no intention to do them again. This district's record shows that defendants with virtually similar magnitude of crimes are granted their C.R. motions. See for example: *Tellier*, 2023 U.S. Dist. LEXIS 149994, 92-cr-569 (S.D.N.Y. Aug. 25, 2023) at LEXIS 15-16 (The court in rejecting government's argument and granting the defendant's motion whose crime included multiple murders states that: courts have granted such motions where defendants' rehabilitation was extraordinary, even when the underlying conviction involved multiple or particularly violent murders") (collecting cases, *id.* (emphases added)). Moreover, the § 3553(a)(1) doesn't only deal with Mohamed past, or: his crime. It also talks of "his characteristics... *id.* And that's highly relevant here. As another court in this district pointed out: "There is no minimizing the severity of " Mohamed crimes, which were of the utmost seriousness. However, "the history and characteristics of the defendant" did not freeze on the day of his arrest and incapacitation... Indeed, the U.S. Supreme Court has made clear that "evidence of post-sentencing rehabilitation may be highly relevant to several of the § 3553(a) factors that Congress has expressly instructed district courts to consider including, "plainly the history and characteristics of the defendant". *U. State v. White*, 2012 U.S. Dist. LEXIS 221701, 96-cr-1123 (S.D.N.Y. Dec. 8, 2022) (citing *Pepper v. U. States*, 562 U.S. 476 (2011) (emphases added)). Mohamed's rehabilitation record as well other relevant factors shown above overcome the 3553(a)(1), especially, when these factors are considered along with other provisions under 3553 such as "the need of the sentence imposed, and "the need to avoid unwarranted... disparities... *id.* at (2)(6) As it's detailed below:

(A)(2) The Need for the sentence imposed... (A)(3) Both of these sections are met here. Mohamed's 25-years prison term certainly "reflects the seriousness of the offense... promotes respect for the law... and "affords deterrence to [the] criminal conduct". (A)(2) (A)(3) *id.*

Both the court as well as the government have previously expressed their position that 25-years prison term was sufficient and fair for Mohamed's co-defendant, Bary. As stated earlier Bary faced virtually same charges as Mohamed did. Supra at p. 25-26. As is been shown previously, Bary was charged and pleaded guilty of crimes based on bombing of both Nairobi and Dar es Salaam bombings... while Mohamed was only charged and convicted of the crimes related to Dar es Salaam bombing. In accepting the government's plea deal the court correctly noted:

To be sure, any twenty five years sentence is a severe penalty. Its severity surely is difficult fully to imagine if one has not been imprisoned and not facing such imprisonment". Bary, 57 F. Supp. 3d 300, 1d at 304. And the government stated:

"Abdel Bary has been incarcerated... since July 1999 and now is 54 years of age. A sentence of "25-years... would result in his remaining in custody at least until he reaches his early sixties. By that time he will have spent a substantial amount of his adult life in prison". Id.

That same rationale should be applied here in Mohamed's case. Mohamed has already spent 25-years or, roughly half of his entire life in prison. Even if, for the sake of argument, it'll be said that Mohamed's crimes are more serious than that of Bary as well as Amir, and Al Nalfi's, still, the existing disparity of the sentence between Mohamed's sentence and those three co-defendants' sentences is excessively gross. While each of the three has long been released from prison, Mohamed is serving life without parole. That's too gross. See B. states v. Ballard, 552 F. Supp. 3d 461, 470 (S.D.N.Y. 2021) stating that: "§ 3553(a)(6) requires the courts to avoid unwarranted sentence disparities..." and even though "Ballard's crimes were more serious than" that of his co-defendant, still "not so much more serious as to warrant a sentence four times the length of" his co-defendants.)

The subsection (c) "to protect the public..." This is also in favor of granting of this motion. As stated earlier; Mohamed will be deported immediately.

The subsection (d); also favoring Mohamed's release. The BVP has failed to treat Mohamed's conditions. If he'll be released, he'll get the treatment then.

(a)(6) "The need to avoid unwarranted sentence disparities..." This subsection speaks for itself, and it's already shown above that: there's huge disparity here. Co-defendants: A.M. (high rank member of the organization, U.S. Military senior officer, a trainer...) Bary (long time member, organizer, cell-leader, charged, like A.M. of both bombings) and; Ahmed (another cell-leader, involved in the group since 1989, at least... when Mohamed was in his teens) all've been released from prison. Yet, Mohamed is on life sentence coupled with reported physical abuses, deprivation of all medical needs, 20+ years solitary confinement... etc.

* Conclusion

Based on the above elaborated facts, law, and the supporting argument, the court should grant this motion, releasing Mohamed on time served.

❖ I. Under the "Victim of Abuse" section it's shown that on multiple occasions the BOP staff maliciously assaulted Mohamed and caused him serious bodily injuries. Moreover, as stated supra p. 11 (first issue); this newly added provision couldn't be more relevant; it was created from the DOJ's own recommendation... In other words: the same Governmental office that prosecuted Mohamed 25-years ago saw it perfectly fit that of the BOP's staff abuse him and seriously injuring him, he's entitled to be released.

❖ II. Under the "Medical Circumstances"; it's shown that Mohamed also suffers from several physical and emotional conditions, whose combination makes his incarceration much harsher and more punitive than this court had anticipated when sentenced him... Furthermore, the conditions here are mostly created by the staff's malicious abuses on Mohamed in the first place, followed by the staff's deliberate indifference towards those serious medical needs, in the second place... Thus, unlike natural conditions such the COVID-19; Mohamed's conditions are BOP's creation originally, followed by BOP's deliberate indifference subsequently.

❖ III. Under the "Unusually Long Sentence"; it's shown that Mohamed, without prior criminal history, was sentenced to life + 40 years. However, and more importantly; there're at least three of Mohamed's codefendants who've been already released... Two of those codefendants not only possess much longer history in the organization and deeper involvement in the conspiracy of itself; but were involved in and pleaded guilty for the both bombings in Kenya and Tanzania... Yet Mohamed who was charged and convicted for only Tanzania bombing, got life... while those two plus the third one got much lenient sentences.

❖ IV. Under the "Rehabilitation Efforts"; it's shown that despite of the repeated abuses against him, Mohamed maintains largely clean and clear disciplinary records. Moreover, he used every opportunity available in programming, and maintains good reputation among the staff, fellow prisoners, and even more so, with his family.

❖ V. Under the "Other Reasons", seven additional ECRs are briefly listed. The fact that these seven reasons are all collected under one, last section of this motion should not be seen as indicating of their least relevancy... They're all relevant and deserve the court's consideration.

Finally, the argument about the § 3553 Factors shows that the factors should not hinder the granting of this motion. They should support such granting. This district is full of cases in which the courts grant similar motions by defendants convicted of very serious crimes and originally sentenced to life... Moreover, Mohamed's 25-years of incarceration is long and serious enough to meet all

relevant purposes... Additional time of incarceration is completely unnecessary and will result in to even much gross sentence disparity between Mohamed and his co-defendants who've been released years ago.

Dated: Sept. 25, 2024

Khalifan Kh. Mohamed
U.S.P. High, P.O. Box 7000
Florence, CO 81226

Khalifan Kh. Mohamed
S/Mohammed

CERTIFICATE OF SERVICE

I, Khalifan Kh. Mohamed hereby certify that on 9.25.24 have mailed my motion for Compassionate Release along with the attached Appx., addressed to the court:
Office of the clerk,
United States District Court, 500 Pearl Street, New York, NY 10007.

Khalifan Kh. Mohamed
U.S.P. High, P.O. Box 7000
Florence, CO 81226

Khalifan Kh. Mohamed
S/Mohammed

THE DOCUMENTS INCLUDED IN THE APPENDIX ATTACHED WITH THE MOTION FOR C.R.

- 1- Defendants Req./Aiz. to the warden for C.R. + Resp. 1-5
- 2- Defendant's Complaint to OIG + Resp. Regard. the 2018 assault. 6-16
- 3- Defendants' Compl. + Response for the Tort claim (FTCA) Regarding to the 2018's Injuries & Damages 17-20
- 4- Defendant's Ad. Rem. Grievance & Respon. ON 2018 Assault. 21-22
- 5- Defendant's Compl. to the OIG. ON 2020 Assault. 23-31
- 6- Defendant's Ad. Rem. Grievance & Respon. ON 2020 Assault 32-34
- 7- Defendant's Comp. & Respon. under FTCA for 2020 Injuries 35-38
- 8- The ADX/BOP. Psychology Assess./Diagno. & Certificates of Completion of Resolve Program under the FSA 39-47
- 9- BOP staff's Letter of Support/character... 48-51
- 10- Letters of Support/charact. Refere. from fellow prisoners and a Friend 52-69
- 11- BOP Records on the defendant's Recidivism Assess. DisCIPL. Hist. & program Participation... 70-81
- 12- Defendant's Certificates of Comp. Educ. Cour. From Outside... 82-83
- 13- Staff's Response ON BOP's Denial to Transfer the Defend from... 84
- 14- Letters of Supports From the Defendant's Famil. 85-128
- 15- SAMs Restrictions-Document, Last to be Issued to the Defendant... Dated, Dec. 8, 2014 129-49
- 16- Defendant: Kh. Kh. Mohamed's Declaration made pursuant to 28 U.S.C. § 1746 IN support to his motion. for C.R. 148-73
- 17- Defendant's Letter to the Judge 174

To: A. Ciolli, the Warden

U.S.P. Florence High, P.O. Box 7000

May 30, 2024

From: Khalaf Kh. Mohamed, # 44623-054, Unit, B/A, cell #100

RE: Request For the B.O.P. to Bring the Motion
For Compassionate Release on my Behalf Pursuant
to 18 U.S.C. § 3582 (c)(1)A.

Dear Warden:

Pursuant to 28 CFR § 571.61, I send this request asking that the BOP files on my behalf the Motion for Compassionate Release (C.R.) or alternatively, for Reduction of Sentence (R.S.) pursuant to the recently amended 18 U.S.C. § 3582 (effective date, Nov. 1, 2023).

There're Extraordinary and Compelling Circumstances and Reason here that should justify the granting of C.R. to me.

Some of Extraordinary and Compelling Circumstances

The below list of the Circumstances may not reflect to the all relevant Reasons:

1- The Victim of Abuse: Per 18 U.S.C. § 3582 (b) (4)(B), I should be qualify for the C.R. or R.S. because I've been "the victim of abuse" that resulted in "serious bodily injury" committed by "correctional officers... and employees of the Bureau of Prisons." Id. That abuse occurred on several occasions

that include but not limited to: staff malicious assault on me in 2000 at the MIC N. York that resulted, among other serious injuries, into breaking of my nose, and my eye socket, and forced me to over 10-days of hospitalization... The injuries and their effects continue to this day.

Additionally, the ADX staff also maliciously assaulted me in 2018, at C-unit where, among other injuries, they broke my right ankle and forced me into the wheel chair for almost two months. Moreover, staff repeated to assault me in 2020 at B-unit, also resulting into serious injuries that continue to this day. For the injuries and fully details of the assault related to 2018 & 2020, see my two cases: Mohamed V. Jones et al, 1:20-cv-02516-RBJ-MDB; Mohamed V. Santistevan et al, 1:21-cv-02676-NYW-MDB.

The above three listed malicious assault on me left me with several serious physical and emotional injuries that continue to this day and will likely remain with me for the rest of my life. See at "B" below.

2-Medical Circumstances: Per 18 U.S.C. § 3582(b)(1)(B) I should also be granted the C.R. because of my many serious and ongoing medical and emotional circumstances. Those include but not limited to, (a) Ongoing serious pain on my ankle, as well as serious pain on my legs, feets, wrists, back, and jaws; all of which resulting from the above mentioned repeated attacks; (b) Chronic and

serious high blood pressure; (c) chronic constipation; (d) Severe
ting pain and swelling of my legs and feet; (e) Serious
headache...etc.

Besides those physical and bodily on going injuries and
medical circumstances I've several serious mental and
emotional circumstances, virtually all originated from
the above mentioned attacks. Those included: depression,
anxiety, poor concentration, lack of proper sleeping... and
many other issues related to PTSD.

3-Family Circumstances: Per 18 U.S.C. § (c) (5) I should as
well be granted the C.R. or R.S. because of my unique, unusual
family circumstances that include the need to meet with my
deterioratingly illing mother. My mother, as well the rest
of my immediate family and relative cannot visit me.
Virtually all of them are in Tanzania, E. Africa. I've never
have family visit since 2001, I will never have one again.
My mother is over 80-years old, very sick. I need to attend
my mother funeral. Recently, my twin sister, and previously
as well as since then, several of my family members died
but I couldn't attend no funeral.

4- Un Usually Long Sentence: Per 18 U.S.C. § 3582(b) (1)
should be granted the C.R. or R.S. based on the unusually long
sentences imposed on me (Life + 40-years). That unusuality
factor is obvious especially when it's considered with my young age at
the time of crime, change of facts and law, and disparity of sentence between
3-

me and some of my co-defendants/ co-conspirators... etc.

5- Other Reasons & Circumstances: per 18 U.S.C. § 3582(b)
(b). I should be granted the C.R. or P.R. based on other relevant reasons. These reasons include but not limited to:

(a) My Rehabilitation efforts and Records: That include my virtually clear and clean disciplinary records; Participating and completing various programs... include RESOLVE program, and my assignment on CHALLENGE programs, both under the FSA; Taking various psychology and educational programs, etc.

(b) The Extraordinarily Unusually harsh Conditions of Confinement: that's because of repeated staff abuses on me that are accompanied with many physical and mental impacts/injuries... My unique life and survival in prison has become much harsher and harder than the Court and the law imposed on me...

(c) Sentence disparity between me and some of co-defendants: While I serve life + 40-years, many of my co-defendants/conspirators served less or even none of sentence...

Release Plan: When I am released, I'll go to Zanzibar, Tanzania to work and live with my siblings: R. Kh. Mohamed, S. Kh. Mohamed, and Z. Kh. Mohamed. The Warden, BOP, and the government can reach my siblings at any time for confirmation. If any letter of confirmation need from them, I'll provide it if so I'll be advised.

Thank you.



**U.S. Department of Justice
Federal Bureau of Prisons**

Federal Correctional Complex
Florence, Colorado

5880 State Highway 67 South
P.O. Box 8500
Florence, CO 81226

June 14, 2024

Khalfan Khamis Mohamed
Register Number 44623-054

Dear Inmate Mohamed,

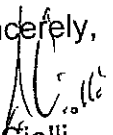
You requested a reduction in sentence (RIS) based on being the victim of abuse, multiple medical and emotional circumstances, wanting to care for your elderly mother, your unusually long sentence and your rehabilitation and programming efforts. After careful consideration, your request is denied.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances which present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner. Your request has been evaluated consistent with this general guidance.

Your noted concerns do not meet the criteria for extraordinary or compelling circumstances which would warrant consideration under Program Statement 5050.50. Medical staff have completed a Reduction in Sentence Eligibility Review and have determined you do not qualify for a RIS based upon on a medical condition. Additionally, you have not provided a verifiable release plan or information on how you will support yourself upon release. Accordingly, your RIS request is denied.

If you are not satisfied with this response to your request, you may commence an appeal of this decision via the administrative remedy process by submitting your concerns on the appropriate form (BP-9) within 20 days of the receipt of this response.

Sincerely,


A. Ciolli
Complex Warden

From: Khalfan Kh. Mohamed, prisoner # 44623-054
at ADX-Super max

Sept 3, 2018

To: The Office of the Inspector General:

REF COMPLAINT AND REQUESTS FROM KHALFAN KH. MOHAMMED TO THE OFFICE OF THE INSPECTOR GENERAL REGARDING THE ASSAULT AND BEATINGS ON ME OF AUG. 23, 2018 AT C-UNIT, ADX SUPER MAX

Dear the Office of the Inspector General:
I am writing this to your office following the above mentioned assault on me, asking among other things a fully and free investigation of what really happened and on that day and the days that followed...

A- A BRIEF BACKGROUND:

1- I am prisoner in the BOP since 1999. In late 2000 I was transferred to the ADX-Florence after my trial in N.Y. and I have been under SAMS (Special Administrative Measures) Restrictions from 1999 up to Nov. 2015. For almost all the time since 2001 arrival to the ADX up to Nov. 2015 I was housed at the H-unit here at ADX.

2- MY RECORDS AT THE ADX: Since I arrived at ADX-I have held almost perfect records in terms of committing prohibited acts. My last and only prohibited act happened in late 2001, (the failure of providing urine sample). That only prohibited act committed at ADX. Other wise, I have tried to stay clean ever since until August, 23, 2018 officer BRUSH assaulted me and on top of that issued a new incident report. (please see "F", paragraph: 35-37, p.8)

3- In Nov. 2015 after my SAMS removal, I was moved from the H-unit to F-unit where I was housed up until August 14, 2018 when again I was moved to this C-unit. I was first housed in A-range, lower, cell # 108. And on Aug. 2018 I was moved to B-range, cell # 406, upper.

2-

B- MY CURRENT H. STRIKE AND THE ASSAULT ON ME...

4- On August 20, 2018 I started my peaceful and legally permitted protest in the shape of hunger strike in the protest to staff's decision to deprive me of some of my fundamental rights and items. On Tuesday, August 21, 2018 I wrote to at least four (4) senior AIX-staff to inform them on my decision of hunger strike. This includes a member of the unit team, two superior medical staffs and the SIS.

5- On Wednesday, August 22, 2018 at the dinner tray, I completed the 9th meal in my refusal to eat which according to the Program Statement should have prompted the first medical assessment. But no assessment was conducted until Sunday of August 26, 2018 after my refusal of at least 19-meals (trays).

6- On Thursday, August 23, 2018 after my refusal of the lunch trays (11th meal) the unit officers led by officer BRUSH asked me to submit to be handcuffed which I did without any protest or saying a single word.

7- Officer BRUSH along with his two fellow officers took me to the law library near to my cell and at the same time officer BRUSH started to take and collect every item from my cell from few commissary I had to my few books, clothes, religious and legal materials, medications, cosmetics, everything. He left only 2 blankets, a pillow, khaki shirt and a single khaki trouser (pant).

8- Officer BRUSH then with his colleagues came to the library and asked me to strip off my clothes and to institutional clothes but I mentioned to him the statement that does not require a prisoner while in his strike to have no personal clothes, legal and religious items. But he said I had to do it any way. I asked him that direction? He said the Orient (I can't remember name, He's a Hispanic-American lit in the unit, male). And I said I want to speak to the lit. BRUSH said okay, and he

8-

9- Little moment later, officer BRUSH and his fellow officers come back to the law library and he said to me: he bit want to talk to me in his office. I said: I don't want to go to Lt's office, he may come here or put me in my cell and let him come here to speak with me. Officer BRUSH then told me: okay, we take you to your cell. (C# 108, C-unit, range A - lower). I said: I think you are trying to trick me! he said: no we take you to your cell.

10- Officer BRUSH then handcuffed me and he and his friends led me out of the law library. This was some time after 1:00 pm and after remaining in the law library for almost an hour or so.

11- When we arrived to my cell door (cell #108) thinking that I am going into my cell, I stop and look at my cell while talking to officer BRUSH: here's my cell, you told me you are going to put me in my cell. But officer BRUSH immediately and without any warning he smashed my head forcefully and aggressively against the wall while at the same time beating me and shouting "stop resisting, stop resisting", I said loudly, "I am not resisting anything, I never resisted anything you told me you are going to put me in my cell..."

12- After that I found my self on the ground face down, my head again was pushed and squeezed against the floor while too many officers now showing in beating me in every way they could.

13- While on the ground face down, officer BRUSH tried very hard to BREAK my FOUR LIMBS. He, with a huge efforts targeted my legs and hands to break them. Seeing what he was doing, I cried out loudly that he was breaking my legs and hands... I also cried out that he for they were trying to kill me. I never resisted. All I said is that: I don't want to go to Lt's office... I believe the prisoners in the A-Range, lower have heard my crying and statements.

A-
14- I was then led towards the entrance of the A-range unit at the same time each officer was taking his part in beating me.

15- Among the staff I saw them after I was removed from the whole way of A-range is Lieutenant MURTON along with the other Lt mentioned earlier, Hispanic-American Lt (prisoner). From here, Lt MURTON took the full charge in ordering and directing the beating and assaulting on me.

16- I was finally pushed to the "Observation Cell", and here under Lt MURTON's orders and supervision I was beaten like never before. In all these I was still crying out that: I have never resisted anything, I have had many years of clear and clean records. But Lt MURTON apart from abusing me verbally, he was telling me that I must shut my mouth, not say anything as long as I say anything, "we are going to beat you more". And they did, because I couldn't stay silence.

17- At the Observation cell among the staff who were here was at least one senior medical staff whom I have known since about 2001 at the ADX. I cried out to him too when I heard his voice saying "Is he still resisting?" I said "I am not resisting. I never resisted anything, are you also witnessing this, see how they beat me..."

18- Finally, when I could hardly breathe and I had no energy to cry out and after the officers had their beating enough the beatings came down. My clothes were cut off my body, I was placed in chains and left with a piece of t-shirt and of short-boxer.

19- After Lt MURTON stop giving his orders to beat me the CAMERA was brought for the first time at the unit with a medical staff (not the same mentioned above at p. 1). The medical staff asked me few quick questions without any notes that I observed.

9- 20- MY BODY especially my legs, hands, chest were especially targeted by officer BRUSH my face, head and my back, all was fully of pains. I mentioned this to the medical staff but I got no help to date.

21- During the beating and after it, different officers such as officer ESPINOZA (C-SPAN 2A1) who took a leading role in assaulting me, repeatedly told me that they are going to kill me... and that "this is not H-UNIT". Officer BRUSH himself after the beating and the camera gone off, he came to the observation cell door and told me that he's not finish with me, and "I am going to kill you".

22- When I was in the observation cell the Hispanic-American Lit mentioned previously (p. graph 8, 14) along with officers opened the cell and talked to me briefly. When he asked about what happened, I told him the summary of the story. How it started, that officer BRUSH told me that he the Lit wants to talk to me in his office which I refused. But the Lit said: "I don't know any thing about that. I just came here now". I said, "that's not right, I see you standing while I was beat from the A-Barge you witnessed the beatings". He told me that he takes my statements as an "insults".

23- At about 6:30 P.M. or so I was escorted back from the observation cell to my cell, #108, - C-unit, room A, lower.

E- INJURIES AND THE DEPRIVATION OF ANY MEDICAL ATTENTION:

24- I don't know for sure the extent of my injuries since no report was made that I know of. But as started above (page 90) my body was full of pain. The second day after the attack, Friday August 24, 2018 I found that my face and too my right leg and hand were all very swollen. My body apart from the terrible pain, had lot of bloody-redish spots. And when I shaved my head on that Friday (August 24, 2018) I found that my head too received lot of bruises and have those bloody-spots and many bumps.

25- The second day, Friday also I asked for medical staff to examine me especially my leg and my hand. I talked to a member of the unit team, since I had no paper or pen to write down. At least one other prisoner also wrote to medical on my behalf to get me to be examined. But no medical attention came.

26- During the first week after I was beaten I couldn't sleep at night even though I tried hard to remain on the bed. The pain was so terrible, especially on my right leg which I still experience till now.

27- Finally, on August 31, 2018, 8-days after I was attacked I was allowed to have an x-ray of my leg. I don't know the result of that x-ray as at the time of making the complaint and requests.

28- In each of the assessment for hunger strike, I have mentioned my injuries and pains to the medical staff, but no aid came. That x-ray mentioned on top.

9-
G- MY REQUESTS TO THE OFFICE OF THE INSPECTOR GENERAL...
 38- Based on the complaint started above (p-graph: L-37)
 I am respectfully requesting this office to:

First: Conduct a fully and free from the ADX-hands investigation of the whole events that took place on August 23, 2018. This is including the preservation and review of the camera/tapes of that day in the ranges and places I was moved through from the moment I was moved from my cell # 108 to the law library, the assault... etc up to the moment I was taken back to my cell. The camera of the following days also may be helpful since I believe they must show my broken movements as a direct result of the injuries and pains I received.

The investigation also should include questioning the prisoners at the A-range I was housed and my self too if necessary. I am prepared to answer all questions regarding the events.

Second: Conduct a fully review and background check of the officer BRUSH'S conducts/history and his treatment to prisoners. Apparently, officer BRUSH has well known reputation of beating/assaulting prisoners and when fabricating charges against them.

And Third: This office, I request redirect my jailers to provide me a safe living conditions that are free from death threats and other threats whether I am in hunger strike or no hunger strike. The U.S. Government and its entities including the GOP have yet to create a law that criminalize the hunger strike and for justifies beating or killing prisoners, even prisoners happened to be foreigners and non U.S. Citizens.

And Fourth: The office of Inspector General investigate all my ADX-conducts towards me that started after my starting of hunger strikes ... up to this day. This including the deprivation of my rights as stated above (p-section C, D, E, p-graphs 29-34). His office must take any other appropriate measures to secure my security rights and also the remaining prisoners.

~~10-~~ Thank you very much for your time and reviewed of this
complain and requests.

Since the staff wouldn't give me a carbon papers to make
copies of this, and I couldn't know if they will make me a photo
copy, I had to write 2- identical and similar thing, so I can have
one for my attorneys and my own records.
Submitted for mailing, Monday night, ~~August~~ Sept 3, 2018.

Khaifan Kh. Mohamed
Reg # 44623-US4
ANX Florence.



U.S. Department of Justice
Office of the Inspector General
Investigations Division
1425 New York Avenue, N.W., Suite 7100
Washington, DC 20530

October 1, 2018

Khalfan Mohamed, Reg. No. 44623-054
USP Florence
PO Box 8500
Florence, CO 81226-8500

Dear Mr. Mohamed:

Thank you for your correspondence dated September 3, 2018. The U.S. Department of Justice (DOJ), Office of the Inspector General, investigates allegations of misconduct by employees and contractors of DOJ, as well as waste, fraud and abuse affecting DOJ programs and operations. After reviewing your complaint, we have determined that the matters that you raised are more appropriate for review by another office within the DOJ. Therefore, we have forwarded your correspondence to:

Bureau of Prisons
Office of Internal Affairs
ATTN: Beth Reese, Chief
320 First Street, NW, Room 600
Washington, DC 20534

Please direct any further correspondence regarding this matter to that office.

Of course, if you have information that involves other allegations or issues regarding DOJ employees, contractors, programs or operations, please feel free to submit that information to us.

Thank you for giving us the opportunity to review your concerns.

Sincerely,

Office of the Inspector General
Investigations Division



U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

Office of the Regional Counsel

400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101

January 26, 2021

Khalfan Khamis Mohamed, #44623-054
United States Penitentiary Administrative Maximum - ADX
P.O. Box 8500
Florence, CO 81226

RE: Tort Claim TRT-NCR-2019-04561
Amount of Claim: \$2,000,000.00

Certified Mail Receipt No: 7018 0360 0002 2080 7585

Dear Claimant:

Your above referenced tort claim has been considered for administrative review pursuant to 28 C.F.R. § 0.172, Authority: Federal Tort Claims and 28 C.F.R. Part 14, Administrative Claims under Federal Tort Claims Act. Investigation of your claim did not reveal that you suffered any personal injury as a result of the negligent acts or omissions of Bureau of Prisons employees acting within the scope of their employment.

As a result of this investigation, your claim is denied. This memorandum serves as a notification of final denial under 28 C.F.R. § 14.9, Final Denial of Claim. If you are dissatisfied with our agency's action, you may file suit in an appropriate U.S. District Court no later than 6 months after the date of mailing of this notification.

Sincerely,

Richard M. Winter
Regional Counsel

Page 2.

8. BASIS OF CLAIM (CONTINUES)

diagnoses, refusal to provide treatment, pain medication and even an ice bag, except on one occasion.

I still can't walk normally today, 3+ months after I was attacked and I may never walk properly again. At the same time I still have regular pain on my ankle, wrist, back and on my jaws.

The staff intentionally broke my bones and then refused me proper medical treatment.

PERSONAL INJURY - CONTINUES

to... writing and I can't write continuously at a single sitting as I used to do before I was attacked. I have to stop in every few minutes.

Also I still have pains in other parts of my body including on my jaws, back and my left wrist.

Also all this day I have physical and mental distress including the fear of being beaten again and being killed, as the officers had told me that they will kill me. I have dreams and strange night terrors of being attacked etc.

Page 3

PRIVACY ACT NOTICE

INSURANCE COVERAGE

15. Do you carry health insurance?
X

16. Have you filed claim on your insurance carrier?
NONE

17. If deductible, state amount
NONE

18. If claim has been filed with your carrier...
NONE

Administrative Remedy No. 955144-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal where you allege on August 23, 2018, staff members at the ADX physically assaulted you without provocation. You also claim a false incident report was prepared to cover staff's actions. You request the incident report be expunged and the responsible staff members held criminally responsible for their alleged actions.

As indicated by the Warden and Regional Director, your allegation of physical assault by staff members at the ADX was forwarded to the appropriate authority for review. A thorough review will be conducted and proper action will be taken as deemed necessary. However, a decision to personally press criminal charges is one which is yours to make. You may contact whichever prosecutorial entity or legal advisor you believe is appropriate to assist you with this matter.

In addition, you have the ability to file a remedy appealing any sustained disciplinary action. Therefore, the incident report you received on August 23, 2018, will not be addressed in this response.

This response is provided for informational purposes.

3/29/19
Date

IS
Ian Connors, Administrator
National Inmate Appeals *AME*

RECEIVED
APR 24 2019
ADX Warden's Office



Central Office Administrative Remedy Appeal

U.S. Department of Justice
Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Mohammed KHAIRAN K
LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A - REASON FOR APPEAL I'm asking the expunge of Inc. report # 224 issued by C.O. BRUSH on 8/23/18. Also asking that C.O. BRUSH and his associates be held criminally responsible for the crimes against me. The Adx authority also responsible. The Reg. Director failed to respond. C.O. BRUSH lied in the inc. report, claiming that he asked me to be moved to the holding cell. In fact, all what he could was to move me to my cell # 108, C-unit, after I declined to go to see Lt. MURTON, as he first asked me to. This claim was then rejected by the Lt. him self, who said to me: he didn't know anything about that.

- C.O. BRUSH also lied when he claimed that I turned from him and became combative. The Reg. Director wrote that I must appeal to the warden. He said: "I'm forced not to write in the report." Also, in the appeal, the appeal was used to punish me even more.
- I'm asking also that BRUSH and his colleagues including Lt. MURTON, C.O. ESPARZA, and C.O. MILLER, among other, be held responsible along with the top Adx authority.
- On 8/23/18 C.O. BRUSH, Lt. MURTON, C.O. ESPARZA, C.O. MILLER etc, committed a serious crime against me without any provocation. C.O. BRUSH, possibly with help from others, broke my right ankle intentionally and without any provocation. Also received many other injuries.
- Lt. MURTON, supervised and led the assault and beating on me. He was there to give orders in these crimes, especially in the holding cell.
- I have never assaulted or harmed no one that day. Only I refused to go to Lt. office.
- The Adx and BOP in General can't be an investigative authority in these crimes.
- The Adx is totally responsible for the crime and there for accountable for all and each damage I was made to receive unprompted.

12/19/18

DATE

Part B - RESPONSE

SIGNATURE OF REQUESTER

12/19/18

DATE

ORIGINAL: RETURN TO INMATE

Part C - RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

GENERAL COUNSEL

CASE NUMBER:

955144-A

CASE NUMBER:

22

Page 11 of 8

From: Khatfan Kh. Mohamed Reg. # 44623-054
U.S.P. Florence, P.O. Box 8500
Florence, CO 81226-8500

May 19, 2020

TO: Bureau of Prisons, Office of Internal Affairs
ATTN: Beth Reese Chief
320 First Street, NW, Room 600
Washington, DC 20534.

RE: COMPLAINT AND ALLEGATIONS CONCERNING THE AXX-STAFF'S
INTENTIONAL MISCONDUCTS DURING MY MOST RECENT
HUNGER STRIKE, AND REQUEST FOR ALL APPROPRIATE
STEPS TO STOP THE AXX-STAFF FROM COMMITTING THESE
AND ALL OTHER MISCONDUCTS AND VIOLATIONS OF MY RIGHTS.

Dear the Office of Internal Affairs (OIA):

I am writing this request for the above addressed complaint and
allegation and stating the following in summarizing the said misconducts
and violations:

A- MY DECISION TO GO HUNGER STRIKE AND THE REASONS BEHIND:

1- I was forced to declare H-strike on March 29, 2020 by the
constant hardship and restrictions imposed on me since the start
of the year 2019 or so. These includes or officially blocking
my social mail, N-papers, books... and finally officially removing
some of my phone numbers including my mother's and my two siblings
numbers from my phone list. Please see doc. #1 attached herein.
my request of March 10, 2020 to the OIA detailing some of the
restrictions and hardships. Please also see doc. #2, my copy-out
to the Axx warden dated March 30, 2020 informing him of my H-strike
and the reasons behind it (pages 1).

2- Before I decided to go H-strike, I had filed a grievance
on each violation, but as usual, each Adm. Remedy was denied or even
rejected. And often and always the warden's office, the Region and
the Central office relied on the same staff who originally com-
mitted these violations. These staff after fabricated the records and op-
erations while provide these three offices a response to my complaint.

Page: 2 of 8

3- On March 29, 2020 with the lunch tray, I started and declared my H-strike as a last resort. In doing that, I made sure that the staff knows about my hunger strike, reasons behind it and the fact that: my H-strike was a peaceful protest. I had no intention to assault, harm or insult any one. I also asked that all movements/assessments in my H-strike be videotaped with the handy held cameras to avoid any claim by officers that they assaulted me after I refused order or otherwise resisted. etc.

4- So apart from my cop-out to the warden (doc. # 2) I also sent cop-out at the same time to several high level staff including: Mr. Harvey, the D-Unit U-manager, Doctor Garber, the psychologist, the ANX-Medical Director, etc.

I also on March 29, 2020 I verbally and in writing informed the unit officers that: I was starting H-strike on lunch trays that Sunday. Please see doc. # 3, a copy of my 2 cop-outs: to unit officers dated March 29, 2020 and to Mr. Harvey (U-manager) Doctor Garber and Doctor Stettin/Medical Director. All 3 dated: March 30, 2020 and submitted the night of Sunday March 29, 2020.

5- One of the main reason of sending these cop-outs was to make sure that not only I was serious, but also: I was expecting that enough number of high level ANX-staff knows of my H-strike so I can get all necessary medical attention and assessments as required by the Program statements... etc.

Page: 3 of 8

B- SOME OF THE STAFF'S MISCONDUCTS AND VIOLATIONS OF MY RIGHTS

6- FALSIFICATION OF MY TRAY RECORDS: As stated above: I started H-strike on lunch tray of Sunday March 29, 2020 with knowledge of every appropriate staff. But the unit-officers along with at least one Lt. decided to force me out of H-strike by way of falsifying and fabricating the records of my trays:

According to pr-statement: after 9-meals a prisoner should get medical assessment. I missed/refused my 9th meal on Wednesday, April 1, 2020 at Breakfast tray. But that day, at lunch tray after I missed the 10th tray a Lt and 2-unit officers came and claimed that: I have been eating from the trays all along... I was shaken down and the officers with Lt took few old food items from food-services that I had spared before I started my H-strike... Some of these items like powder milk were from 2019 Ramadan. These 3-staff used those items as a prove that: I take food from the trays and rejected my explanation.

- On that morning I had blocked the area/bar in my cell where the officers places the trays by putting 2-rolls of T. paper in it and the officer had to place the B-fast tray on the floor. On lunch tray, the officer #1, Sant Steven, push the T. paper violently into my cell, and place the trays on the bars instead.

- On picking up the lunch trays, I saw the #1 officer Sant Steven opening the hot-tray (Chow) inside my Sallyport, he then claimed that: I opened it...

- As they return me back to my cell, I heard one of them saying that: I am going to get what I got before (ie: assaulted, beaten, denied of medical treatments, and loss of all of my properties...).

- I asked them to take out my commissary items... but they refused...

- I later learned from the warden's B.P.G. response that: the falsified records shows: I missed the first 7-meals and eat the next 2-meals... which is a total lie...

- That night, I wrote to the warden informing of what has just happened and request other measures to ensure my safe safety, and my well being. Please see my April 1, 2020 cup-out to the warden within doc. #A.1a. On April 2, 2020 I mailed a 'supplement' to OIG- explaining these violations and asking appropriate measures. Please see a copy of the suppl. in doc. #A. On April 3, 2020 I mailed a cup-out via medical staff with 'sick call' to the doctor explaining my deteriorated condition asking an assessment and

Page: 4 of 8

7- OFFICERS' USING OF UNNECESSARY FORCES AND MAKING OF AN ADDITIONAL THREATS ON ME AND MY LIFE... On Wednesday of April 15, 2020, the medical "assessed" me for the second time. I was extremely weak and could barely walk or speak... But that day the officers, specifically, officer #1 Santstever, used unnecessary and excessive force... To start with:

- He put the hand-cuff with black box very tightly in a way to cause extreme pain... He then as was asking me from my cell, D-unit, cell # 204. A range upper, he literally dragged and jacked me to the medical room down stairs... leaves leaves me with extreme pain on my wrists and other parts of my body. I could hardly walk...

- In the medical room, he again used excessive forces to get me on the bed, thereby increase the pain in my body that I had due to the H-Strike and pain on my extremely tied H-cuffs + black box...

- The Lt. kept quit on all these. Only medical staff intervened and told the officer that: what he was doing was not needed...

- I asked the Lt in the medical room to assign another officer to lead the escort in any way to my cell... the Lt. refused.

- THREATS: When I was escorted back in to my cell, Officer Santstever threatened me of more harshness and even of death... He indicated that: he is the #1, he favored the feedings, and likes killing terrorists... He indicated he was going to show me... etc...

- He made all these and other threats while the camera was behind him and me, so no camera could see him... But when I arrived to my cell and after removal of the cuffs + black box, I turned to the camera and him and forced my self to speak loudly of what he was saying to me secretly... And I said some of what he said...

- In the medical room, I had no doubt that I was going to be assault again, the feeling I started to have ever since they place the hands-cuffs + black box in so painful way...

- I found out that my right wrist suffered a serious laceration and bleeding as a result of the tightened cuffs + black box and the doctor dragging me by the officers... I reported these violations to at least 2 different...

- Per policy: medical staff required to check the restraints before the assessment starts... But no medical staff did this in this recent H-Strike...

- The Lt. also required to make sure a prisoner is safely escorted, but on that day, Lt. never did that. This same Lt. is the one who came into my cell with the same violent officer on April 15, 2020...

Page 5 of 8

8- THE CONFISCATION OF MY PROPERTY: On April 13, 2020, the officer led by #1, Santistevan came to my cell and took out everything including my clothes, my relig. materials, my cosmetics, my legal materials... etc. and even pen and pencils, writing papers. All were taken from my cell. The food items, which I never consumed since the start of H-strike, were removed the previous night per my request, which was at least third request to take the items out.

9- OTHER VIOLATIONS: There are many of them, I can list them here. During my H-strike I for example, heard many statements that indicates that the staff were intentionally trying to starve me to death and for were ignoring my H-strike to get me out of it. The statements shows: they knew what was really going on, but they did it on purpose... The CO #1, Santistevan, I believe took charge on these... He at least twice told me that: he falsified the records to disrupt me from my H-strike because: I was trying to disrupt his unit... He also said ones that: he wasn't the only officer who was fabricating the records...
- Before the H-strike, officer Santistevan and his #3-colleague seemed to me as professional officers... I had no complaint toward them till the H-strike came...

Page: 6 of 8

C- SOME OF NEGATIVE IMPACTS OF THE OFFICERS' FALSIFICATION OF MY MEAL-RECORDS:

- 10- THE DELAY OF THE MEDICAL ASSESSMENT: As stated above I started H. strike on Lunch tray of March 29 2020. My 9th meal was on breakfast tray of April 1, 2020.
- But, I was left with no medical attention up to April 13, 2020 after I missed 48-consecutive trays. This is unprecedented in my 1st of in and out of H. strike in AOX.
 - As a result I was too weak. My weight on the first assessment was 119-pounds, which only prove the fact that: I have never been eating since I declared my H. strike even though I still had some commissary food items in my cell, which I requested the officers to remove but they refused.
 - The records will clearly show that: I have never started hunger strike with 119-pounds. In previous H. strike of August-October 2018, I was given my first assessment after 18-meals or so, and my weight was around 138 or 136-pounds.
 - On my third assessment of April 17, 2020, my weight was 114-pounds. While in 2018 after 40-days of H. strike and almost 10-feedings/or voluntarily drinking, I was 114 or 113-pounds. Again all these shows that: the staff/officers with full knowledge of the warden's office and the AOX-medical director (doctor) were fabricating the records when they were recording that I was eating from the trays.
 - The records also will show: that is never been my way of H. strike to stand from the trays. I don't enjoy H. strike. I try always hard to avoid it. But when I'm forced to do it, I always make sure I do it properly as a man... The long-time AOX staff who knows me, knows that fact...

11- SOME OF MEDICAL ISSUES/PROBLEMS... I WAS GOING THROUGH:
 THAT DEMANDED IMMEDIATE MEDICAL ATTENTION... I was extremely physically weak and sick... And on April 3, 2020 I sent an emergency sick call along with cup-out to the doctor, (please see a copy of my cup-out to the doctor under doc. #4), explaining some of medical issue I was going through. But the medical never responded to my sick call nor to the cup-out sent to the doctor.

Page 7 of 8

- The medical continued to ignore me and so the rest of the staff. My body was so weak to an extent I never experience before. I was also experiencing issues that I never experienced in any of previous H-stroke.
- After missing 45 consecutive trays/meals without any medical assessment/attention I had an extreme pain on my back and chest, hard headache, stomach pain, constant dizziness and fatigue, extreme pain while urinating, urine passing uncontrollably, cramps on my legs, etc. I eventually lost the sense of smelling and my mouth became very bitter, also had difficulty in breathing, etc.
- I explained these and others to both the warden and the doctor in my cop-outs of April 12, 2020 (I forgot to make copies of these cop-outs, so are not enclosed here but the records must have them).
- Some of these medical issues happened for the first time. I never experienced before. But the medical possibly because of my trays-records falsification, continued to ignore my sick-calls requests and cop-out asking for medical assessment/attention.
- During and after H-stroke I submitted at least 3 sick calls + cop-out but the medical never responded once.
- It has been a month since I started eating again but still some issues remain, such as pain during urinating, passing urine unintentionally, some hardship in breathing, swelling of my feet and arms, etc.
- For at least a week after H-stroke, I couldn't eat any meaningful quantity of food or drink a drink. I lost my appetite, my mouth was terrible, I lost my taste feeling of taste and smelling, etc.
- On April 24, 2020, headache came to my head for the annual chronic care follow-up. I explained to her my conditions after H-stroke showed her my swelling feet and arms. But she said: she only came for the regular annual visit. And told me I didn't have an answer to my issues, even though she said: the swelling might be caused by the lack of protein.
- Again, the records will show that I never have these kinds of complaints/issues in any previous H-strokes. This was the first time. So I believe I was treated with such amount of brutality and neglect.
- Apart from the physical-medical issues I was forced to go through, there were increased by the brutality I was shown. My night-mare of being assaulted.

Page: 8-of-8

CONCLUSIONS AND REQUEST:

12- Those are the summary of my complaint to this office. As can be seen the staff, all appropriate staff, knew what was going on. But all were ready to endanger my life or even seeing my death, just to get rid of my H-strike.

13- Back in August 23, 2018, ANX staff chased to assault me, breaking my leg - destroy my property... etc - to get rid of my legitimate and peaceful way of protest: H-strike. This time the ANX used another way in attempt of reaching the same goal.

14- I am RESPECTFULLY asking this office to conduct a proper investigation on this matter and take all appropriate measures needed to insure that those who allowed these violations and carried them out including the unit officers, led by Officer Scott Stever are held accountable. Also to make sure that these and other violations such as the 2nd 8/2020 assault against me and destruction of my property are not to be repeated.

15- THIS OFFICE knows that: H-strike is no violation of any law, regulation or policy. Therefore, there is no need to treat me with that kind of brutality.

16- The BEST of getting rid of H-strike I believe is to avoid provoking me by the way of violating my rights. But ANX staff I believe, carefully have doing exactly the same thing: they knew and knows that: by blocking my social media publications, and removing my phone #s from my phone list, they'll force me to H-strike. And that's what they intentionally did so to justify even more cruelly possibly to get rid of me.

17- Repeatedly officers told me they'll kill me. I believe they tried again by falsifying the record of my trays and medical stuff ignoring my complaints...

I hope that this office can and will stop these violations. Thank

you.

Respectfully submitted for months on May 19 2020.

Medina, Carlos

30

DECLARATION UNDER PENALTY OF PERJURY

I, Khalifa Kh. Mohamed Reg # 44623-US4 declare under penalty of perjury that the information in this "complaint and allegations" concerning the ADX-staffs' intentional misconducts during my most recent hunger strike, and request for all appropriate steps to stop the ADX-staff from committing these and all other misconducts and violation of my rights" (p. 1-8, pg. 1-17, along with attached documents with this "complaint" are true and correct.

Executed and submitted for the marking on: May 19, 2020.
 Mohamed.

Administrative Remedy No. 1017717-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal, wherein you allege staff misconduct. Specifically, you claim staff placed you in restraints that were too tight. For relief, you request this matter be investigated, monetary compensation and the preservation of all evidence, including range and hand-held cameras.

We have reviewed documentation relevant to your appeal and, based on the information gathered, concur with the manner in which the Warden and Regional Director addressed your concerns at the time of your Request for Administrative Remedy and subsequent appeal. The Bureau of Prisons takes allegations of staff misconduct seriously. You were previously informed your complaint was forwarded to the appropriate component of the agency for review. No inmate is entitled to be apprised of the progress, outcome, or disposition of any review of alleged staff misconduct.

The Administrative Remedy Program does not provide for monetary relief. Your request for monetary compensation should be pursued through the appropriate statutorily mandated procedure to resolve this issue. You can obtain the proper forms from your Unit Team.

Accordingly, this response is for informational purposes only.

1/25/21
Date

IK
Ian Connors, Administrator
National Inmate Appeals *IK*

Central Office Administrative Remedy Appeal

U.S. Department of Justice

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: MOHAMED KHALAN K 44623-054 D-502 ADX
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL The region also failed to respond.

- THE USE OF EXCESSIVE FORCE AGAINST ME: On 4-15-2020, while I was very weak, after missing at least 54 meals, in 16 days H-strike, the ADX's officers led by D-unit #1, Santisteven maliciously, sadistically, unreasonably, unnecessarily and aggressively used force against me, while the Lieutenant and other staff were acting in total deliberate and different, at the time I was in full restraints.

- C/O Santisteven and his associates started these violations by placing H-cuffs + black box so tightly, and then Santisteven and his associates took me to medical room by jerking and dragging me by the chain, forcing me to walk on my toes, unbearable pain... and in doing so, cause me to suffer from an extreme, excruciating and unbearable pain... while I was already sick, physc. weak and I wasn't resisting.

- IN THE MEDICAL ROOM: Santisteven again used the pre-described forces by grabbing me forcibly on to the bed by my side, and gives me another extreme and excruciating

S / Mohammed
 SIGNATURE OF REQUESTER

08-18-2020
 DATE

Part B - RESPONSE

RECEIVED

AUG 28 2020

Administrative Management
 Federal Bureau of Prisons

DATE

GENERAL COUNSEL

CASE NUMBER: 1017777-01

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C - RECEIPT

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

- CONTINUATION: Page: 2

= excruciating pain on my back side... etc. at a time I was already extremely physically weak and sick.

THREATS: Officer Santisteven also told me hiding from the camera that he intended to harm and even kill me... that like killing terrorist, he will get rid of me... He said: he was going to use his position as C-0#1 in the force feedings to achieve his plans... He also said: he is glad that I said I feel safer in my cell... He also called me names such as "dirty muslim" etc. These statements and acts, indicates Santisteven malicious and sadistic intents.

Santistevens' violent acts, statements and threats brought to me extreme and excruciating physical and emotional pains and injuries... on top of the previous pains and injuries that I have suffered as a result of malicious attacks on me in 08.23.2018.

OTHER STAFF: Including the Lt and other officers all were deliberate and indifferent... Lt and other officers could have stopped Santisteven but chose to let him torturing me... Only the medical staff and a nurse tried to intervene but only after I have already suffered from the above mentioned torture.

THE FORCES, THREATS AND THE RACIAL STUFF: were all malicious, sadistic, unnecessary and unreasonable... I never resisted, nor refusing an order, with full restraints, physically weak, posing no threat.

I'm ASKING: and independent investigation, proper monetary compensation to me, preservation of all evidence including range-cameras, and hand-held cameras... and immediate stop of using forces and threats against me and forcing me to live in constant fears.

I'm Holding the BOP, AXX, C.O. Santisteven, the Lt. that day and all other BOP/AXX appropriate staff responsible for all damages... etc.



CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008 EXPIRES 3-31-91
1. Submit To Appropriate Federal Agency: The Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower 11, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.		2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, street, city, State and Zip Code) Khalafan Kh. Mohamed, Reg # 44623-054 U.S. P-max, P.O. Box 8500 Florence, CO 81226-8500		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN N/A	4. DATE OF BIRTH 7-25-1973	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT April 15 2020	7. TIME (A.M. OR P.M.) Between 8-10 A.M. approx.
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. (Use additional pages if necessary.) On 4-15-2020, when I was physically extremely weak, on my 16th day of H-strike, after missing at least 54 consecutive trays, the officers here at D-unit, Apx used an excessive, unnecessary force against me that resulted to an excruciating, extreme pain and a bodily injury and longer emotional pains and suffering. In the morning of 4-15-2020, staff, led by C.O.#1, officer Santisteven, along with a Lt whose name I don't know, used an excessive force, without no provocation from me. Officers led by Santisteven, started by putting me in a very tight full restraint chest black box, that was so tight and caused an excruciating pain. As they move me from my cell, cell # 204 D-unit, A-range upper, and then escorting me to medication room south stairway on the 5th floor, next to the				
9. NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code) N/A				
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.) N/A				
10. STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. As a direct of the excessive, unnecessary forces + verbal threats by Santisteven on 4-15-20, I suffer an excruciating physical and emotional injuries and pain. While I was already in a very weak states due to the H-strike, the forces was used highly increased my previous pain and state of illness. That prolonged the healing period. The pain remained long after my H-strike.				
11. NAME N/A		ADDRESS (Number, street, city, State, and Zip Code) N/A		
12. (See instructions on reverse)		12b. PERSONAL INJURY		12c. WRONGFUL DEATH N/A
12a. PROPERTY DAMAGE N/A		12d. TOTAL (Failure to specify may cause forfeiture of your rights.) (100,000) = One hundred thousand dollars		
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) M. Mohamed		13b. Phone number of signatory N/A		14. DATE OF CLAIM June 29, 2020
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM		CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)		
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of \$2,000, plus double the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)		STANDARD FORM 95 (Rev. 7-85) PRESCRIBED BY DEPT. OF JUSTICE 28 CFR 14.2		

2-

7

8- BASIS OF CLAIM (CONTINUE FROM PAGE 1)

Down stairs, these officers, they used force by lifting me by the chain and so forced me to walk with my toe tips while at the same time causing unbearable pain on my wrists and other parts of my already weak body, full of pain due to the H. strike.

- In the medical room, again, C.O. Santisteven used unnecessary, an excessive force by grabbing me forcibly and ^{laying} me on the medical body for an assessment, thereby, causing me to suffer more an excruciating and extreme pain on my already weak, full of pain body due to H. strike.

- In the medical room, I asked the Lt. to assign another officer to lead the escort because C.O. Santisteven is using force... but the Lt. refused... The Lt. and the rest of officers, also ~~stood~~ stood by, as Santisteven was torturing me only the medical staff attempted to intervene...

- As I was escorted back to my cell, officer #1, Santisteven continue to prove his maliciously, sadistically and ~~in~~ deliberately indifferent motivated cruelty intents: here as the Co. was leading the escort back to my cell, he repeatedly and intentionally verbally threatened me and my life... He maliciously and sadistically indicated that he's going to use his position as C.O. #1, to harm and even "get rid of me"... that will used the anticipated force feeding to achieve his goals, that he liked to kill terrorists... he ~~in~~ was glad that I feel safer in my cell...

He also used language that further prove his malicious and sadistic intent like calling me 'dirty muslim... etc...

- Apart from the physical pain, the force used ~~caused~~ caused an obvious injury on my right wrist... The excessively tied handcuff + the force used by Santisteven... etc, left my skin opened and bled... I reported the injury to at least 2- Lt + other staffs. Also I reported to medical staff who told me to use warm water to clean the injury, but declined to treat me... even after I showed him my injury twice...

- Apart from the physical pain and injury, the excessive force and the serious life threats... etc of 4-15-2020, caused a great deal of emotional pain and injury... on top of what was there as the result of 8-23-2018 assault on me... The events of 4-15-20 only prove that was done and said to me on 8-23-20 and said by Santisteven or his colleagues on 4-1-20... As a result my fears of C.O.s that want kill me increased... I feel no safety... The ADX/IVP staff

... 4-23-20 and 4-15-20... etc.

3-

10 - PERSONAL INJURY (CONTINUED FROM PAGE 1)

= my H-strike.

The injury on my ^{wrist} ~~wrist~~ took weeks because was healed. After the actual physical injury healed, the pain continue on my wrist up to this very day...

The forces used against me maliciously and sadistically... by excessively tightening the hand cuff + chain + Bbox, by dragging and lifting me by the chain to an extent forcing me to walk with my toe tips, and the an excessive forces used inside the medical room... etc all of which, I used after more than 2-weeks of H-strike with at least 54 - most consecutive trays - missed... all these forces caused me to suffer and excruciating, extreme and long time physical and psychological pain and injury...

- The an excessive forces and the serious malicious and sadistic threats committed on me on 4-15-20, only came to prove and repeat the previous assaults of 8-23-18 that took place on C-unit while I was in my previous H-strike. On that day and days that followed, GOS used an excessive forces and threats on my life... Only to be repeated on 4-15-20. The two (2) events are related, connected.

- In immaterial side, I have no to doubt after 4-15-20 violation that the BOP/Asx is after my life with full knowledge and even approval or co-operation of the highest office at Asx...

- The warden and other top Asx/BOP's officials knew of the potential use of force... I had informed that. They failed to ensure my safety intentionally, all are responsible...

- my depression and related mental issues increase for period of time as a result of the above mentioned and other violations that committed against me during my hunger strike.

- I'm very fearful of officers. I can hardly afford to go out of my cell. They repeatedly told me that will harm and even kill me... and ~~tried~~ did and tried so repeatedly. My nightmares depicting the 8-23-20 and now 4-15-20 + other violent and brutal acts by officers against me... There no fear of fellow prisoners. I'm able to defend my self from prisoners... But my fears are of prison staff who have supports from their superiors coordinating crimes and legal defence vs me.



**U.S. Department of Justice
Federal Bureau of Prisons**

North Central Regional Office

Office of the Regional Counsel

400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101

AUG 24 2021

Khalfan Khamis Mohamed
Register No. 44623-054
United States Penitentiary – ADMAX
P.O. Box 8500
Florence, CO 81226

Re: Administrative Claim Number TRT-NCR-2020-05797 (Reconsideration)

CERTIFIED NUMBER 7018 3090 0002 2628 3036

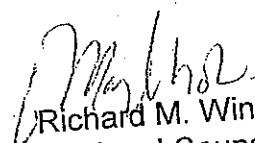
Dear Mr. Mohamed:

Your claim has been reconsidered for administrative settlement pursuant to 28 U.S.C. § 2672 et seq., and authority granted by 28 C.F.R. § 0.172, Authority: Federal Tort Claims and 28 C.F.R. Part 14, Administrative Claims Under Federal Tort Claims Act. You claim government liability in the amount of one-hundred-thousand dollars (\$100,000.00).

Further review of your claim has been completed. We find no new evidence to indicate you sustained any loss or injury caused by the negligent or wrongful act or omission of any Bureau of Prisons employee acting within the scope of his or her employment. Accordingly, we will not change our original decision in this matter as we have determined the denial to be appropriate under the facts and information available to us.

If you are dissatisfied with our agency's determination in this matter, you may file suit in an appropriate U.S. District Court no later than six months after the date of mailing of this notification.

Sincerely,


Richard M. Winter
Regional Counsel

SENSITIVE BUT UNCLASSIFIED

Bureau of Prisons Psychology Services

Resolve - Psychosocial Assessment/Evaluation

Inmate Name: MOHAMED, KHALFAN KHAMIS Sex: M Facility: FLM
 Date of Birth: 07/25/1973 Provider: Mach, J. PhD, Resolve
 Date: 05/13/2022 08:50

Reg #: 44623-054
 Unit Team: D

Identifying Information

Inmate MOHAMED was interviewed to determine the presence of a diagnosable trauma-related disorder for the purpose of participation in the RESOLVE Program. This determination was based on a number of sources including PDS-BEMR records, Pre-Sentence Investigation Report, assessment data (from PCL-5, GAD-7, BDI-2), and a clinical interview. Inmate MOHAMED is a 48-year-old, African American male. He is currently currently serving a LIFE sentence for MRD/ATMPT MRD;USE/ATMPT WPNS OF MASS DEST;BOMB US EMB;DAM/DEST US PROP;CAR EXPL;CAR DNG DEVICE.

Psychosocial History

Inmate MOHAMED was raised on the island of Pemba in Tanzania and reports being raised primarily by his mother and older siblings. He was raised in the home with ten siblings. He reported his father passed away in 1980 from a long-term illness. He described his upbringing positively but reported his family was quite poor but "made it work." Inmate MOHAMED reports he currently has close relationships with his family members; however, he reported his mother was diagnosed with dementia and her condition has impacted their relationship. He indicates experiencing the following adverse experience as a child: extreme poverty. He denied any other issues including verbal abuse, physical abuse, sexual abuse, neglect, or having caregivers with substance abuse or mental health issues. Inmate MOHAMED denied having a spouse or significant other. He further denied having any children.

In regard to educational background, inmate MOHAMED reports he withdrew from school when he was approximately 17 years old. He stated prior to withdrawing, his grades were normal and his attendance was good. He recalls he was not diagnosed with a learning disorder and did not require specialized assistance during his school years. He reported his behavior in school was exemplary and that he did not have a history of suspension.

Inmate MOHAMED received seven months of military training in 1994 in Afghanistan and reportedly stayed in the camp for approximately seven months. He reported he was gainfully employed for most of his adult life. Inmate MOHAMED was employed in the kitchen at Burger World in Cape Town, South Africa in 1998. He was employed at the restaurant until his arrest in October 1999. Between 1996 and September 1998, he traveled amongst family members and religious "camps" (military missions). Also during his adult life, he was employed at his brother's store in Dar es Salaam, Tanzania.

Criminality

Inmate MOHAMED denied an extensive history of criminal behavior. His reported his index offense was "participating in blowing up the embassy in 1998." Inmate MOHAMED is serving a life sentence for USE/ATMPT WPNS OF MASS DEST;BOMB US EMB;DAM/DEST US PROP;CAR EXPL;CAR DNG DEVICE. In regard to his behavior while incarcerated, he has received multiple incident reports for violent behavior. In 2000, inmate MOHAMED received incident reports for attempted killing, possessing a dangerous weapon, taking hostages, interfering with security devices, and assaulting without serious injury. He stated he believed he was "wrongly accused" of this behavior. Inmate MOHAMED was also sanctioned for assaulting without serious injury in 2018. He was placed at the ADX due to his previous history of attempted murder while incarcerated.

Substance Abuse

Inmate MOHAMED has no reported history of substance abuse or substance abuse treatment. He reports he was not exposed to substance use by his caregivers.

Mental Health

Records indicate the inmate MOHAMED has previous psychological treatment and has taken psychotropic medication to treat symptoms of depression. Specifically, the inmate has two diagnoses noted in his past BEMR records including: Depressive Disorder NOS and Major Depressive Disorder in 2009, both of which are listed as resolved. Inmate was diagnosed with Other Specified Depressive Disorder in 2019 after reporting depressed mood, difficulty concentrating, and negative ruminative thoughts. He was diagnosed with Unspecified Mood Disorder by Health Services in 2020. Inmate MOHAMED is currently prescribed Buspar, Celexa, and Remeron. He endorses a history of suicidal ideation but

Inmate Name: MOHAMED, KHALFAN KHAMIS Sex: M Facility: FLM
 Date of Birth: 07/25/1973 Provider: Mach, J. PhD, Resolve
 Date: 05/13/2022 08:50

Reg #: 44623-054
 Unit Team: D

has not required placement on Suicide Watch while incarcerated. He reported he did not experience mental illness while in the community but indicated his symptoms began while incarcerated. Inmate MOHAMED denied a history of mental illness in his family.

TRAUMA ASSESSMENT: Inmate MOHAMED completed a series of assessments to include the Posttraumatic Stress Disorder Checklist for DSM-5 (PCL-5), Generalized Anxiety Disorder-7 item scale (GAD-7), and the Beck Depression Inventory-2nd Edition (BDI-2) following his completion of the Traumatic Stress and Resilience workshop. These assessments reflect the following:

- 1) Posttraumatic Stress Disorder Checklist for DSM-5 (PCL-5): Inmate MOHAMED received a score of 51 on this measure. He endorsed experiencing the following diagnostic criteria for PTSD: repeated, disturbing, and unwanted memories of the stressful experience; repeated disturbing dreams of the stressful experience; feeling as if the stressful experience was happening again; feeling very upset when reminded of the stressful experience; avoiding memories, thoughts, or feelings related to the stressful experience; avoiding external reminders of the stressful experience; trouble remembering important parts of the stressful experience; having strong negative beliefs about yourself, other people, or the world; having strong negative feelings such as fear, horror, anger, guilt or shame; loss of interest in activities that you used to enjoy; feeling distant or cut off from other people; trouble experiencing positive feelings; irritable behavior; being "superalert" or watchful; feeling jumpy or easily startled; having difficulty concentrating; and having trouble falling or staying asleep.
- 2) Generalized Anxiety Disorder-7 item scale (GAD-7): Inmate MOHAMED received a score of 16 on this measure which is typically suggests an individual is experiencing severe anxiety. He reported frequent worrying, trouble relaxing, becoming easily irritated, and feeling as if something bad may happen.
- 3) Beck Depression Inventory-2nd Edition (BDI-2): Inmate MOHAMED received a score of 34 on the BDI-2 which is typically suggests an individual is experiencing severe depression. Inmate MOHAMED reported primarily experiencing loss of pleasure, indecisiveness, and changes in sleep pattern and appetite. Several of his responses on this measure appeared to overlap with his scores on the PCL-5.
- 4) **MENTAL STATUS** (Face to Face Clinical Interview): Inmate MOHAMED was interviewed for the current assessment. He presented as stable with fair overall adjustment and functioning. Today, his mood was euthymic with congruent affect. He did not exhibit any signs of psychosis or mania. He reported a history of suicidal ideation (over the past two weeks) and an SRA was completed (see SRA dated 5/13/2022 for additional information). He denied current or suicidal ideation, intent, or plan and was not placed on suicide watch. He did not present with any overt distress.

IMPACT OF TRAUMA: Inmate MOHAMED reported experiencing multiple traumas while in prison and stated these traumas impact his daily functioning.

DIAGNOSTIC IMPRESSIONS: Based on the clinical interview and assessment data inmate MOHAMED meets the criteria for the following diagnoses:

309.81 (F43.10) Posttraumatic Stress Disorder (PTSD)

311 (F32.89) Other Specified Depressive Disorder, Depressive Episode with Insufficient Symptoms

Posttraumatic Stress Disorder is characterized by exposure to actual or threatened death, serious injury, or sexual violence in at least one way, presence of at least one intrusive symptom associated with the traumatic event, persistent avoidance of stimuli associated with the traumatic event which begins after the trauma, negative alterations in cognitions and mood associated with the traumatic event, and marked alterations in arousal and reactivity associated with the event. Further, the duration of the experience is longer than a month, causes clinically significant distress or impairment in social, occupational, or other important areas of functioning, and the disturbance is not attributable to the physiological effects of a substance or another medical condition. Inmate MOHAMED has reported experiencing and witnessing multiple traumatic events while incarcerated that have caused him significant distress. Based on his interview and review of the above measures, inmate MOHAMED meets diagnostic criteria for PTSD.

Inmate Name:	MOHAMED, KHALFAN KHAMIS	Sex:	M	Facility:	FLM	Reg #:	44623-054
Date of Birth:	07/25/1973	Provider:	Mach, J. PhD, Resolve			Unit Team:	D
Date:	05/13/2022 08:50						

Inmate MOHAMED was previously diagnosed with Other Depressive Episodes. This diagnosis appears to remain appropriate. Inmate MOHAMED reported experiencing loss of pleasure, indecisiveness, and changes in sleep pattern and appetite. Several of the symptoms he endorsed on this measure also overlap with PTSD. Need for a further depressive disorder diagnosis will continue to be monitored. It should be noted that mental health diagnoses are a fluid concept and may change in the future based on presenting clinical information.

Goals

Inmate MOHAMED had difficulty coming up with goals for treatment. However, he stated, "I want to be able to accomplish something mentally and physically while in prison." He indicated he wanted to become more hopeful about his future. When asked about his personal strengths, he reported he was a good family member to his siblings and mother. He was unable to think of additional strengths despite this writer listing many options. He reported he was unsure of how he could describe himself as a whole person and stated, "I'm just in prison." Again, he struggled to come up with additional ideas although he was prompted. When he participated in the Traumatic Stress & Resilience workshop he reported he learned some skills he could use to try to manage distress (i.e., deep breathing). His current belief is that he will know treatment has been effective for him if his mood and concentration improve and he experiences fewer nightmares.

Comments

Inmate MOHAMED is considered QUALIFIED for the Resolve Program, as he has met all criteria for entry. He has: 1) Successfully completed the "Traumatic Stress & Resilience Workshop;" (2) "Requested to participate in the Resolve Program;" (3) Reports a history of trauma; (4) Expresses motivation to improve coping skills and address identified trauma(s); (5) Completed the Psychosocial History Interview; (6) Completed testing, which indicates a current DSM-V diagnosis related to past trauma; and, (7) he is in agreement with the goals and expectations of the Resolve Program.

PLAN: He will be given an "RP1 Wait" code in Sentry. Inmate MOHAMED is a Care2-Mh. He will continue to be seen by his primary care psychologist until he can be placed in the next available group. He agreed to seek out assistance from Psychology Services as needed while awaiting Resolve.

Completed by Mach, J. PhD, Resolve Coordinator on 05/17/2022 08:57

3/2024

Don't
refer to this drug

SENSITIVE BUT UNCLASSIFIED

**Bureau of Prisons
Psychology Services
Resolve - Treatment Summary**

Inmate Name:	MOHAMED, KHALFAN KHAMIS	Sex:	M	Facility:	FLM
Date of Birth:	07/25/1973	Provider:	Mach, J. PhD, Resolve		
Date:	08/14/2023 09:43				

Reg #: 44623-054
Unit Team: J/A

Identifying Information and Diagnosis

Inmate MOHAMED is a 50-year-old male. He is currently serving a LIFE sentence for MRD/ATMPT MRD;USE/ATMPT WPNS OF MASS DEST;BOMB US EMB;DAM/DEST US PROP;CAR EXPL;CAR DNG DEVICE.

Psychosocial History

Inmate MOHAMED was raised on the island of Pemba in Tanzania and reports being raised primarily by his mother and older siblings. He was raised in the home with ten siblings. He reported his father passed away in 1980 from a long-term illness. He described his upbringing positively but reported his family was quite poor but "made it work." Inmate MOHAMED reports he currently has close relationships with his family members; however, he reported his mother was diagnosed with dementia and her condition has impacted their relationship. He indicates experiencing the following adverse experience as a child: extreme poverty. He denied any other issues including verbal abuse, physical abuse, sexual abuse, neglect, or having caregivers with substance abuse or mental health issues. Inmate MOHAMED denied having a spouse or significant other. He further denied having any children.

In regard to educational background, inmate MOHAMED reports he withdrew from school when he was approximately 17 years old. He stated prior to withdrawing, his grades were normal and his attendance was good. He recalls he was not diagnosed with a learning disorder and did not require specialized assistance during his school years. He reported his behavior in school was exemplary and that he did not have a history of suspension.

Inmate MOHAMED received seven months of military training in 1994 in Afghanistan and reportedly stayed in the camp for approximately seven months. He reported he was gainfully employed for most of his adult life. Inmate MOHAMED was employed in the kitchen at Burger World in Cape Town, South Africa in 1998. He was employed at the restaurant until his arrest in October 1999. Between 1996 and September 1998, he traveled amongst family members and religious "camps" (military missions). He was also employed at his brother's store in Dar es Salaam, Tanzania.

Course of Treatment

During his Resolve clinical interview, Mr. MOHAMED indicated that his treatment goals to work on prior to re-entry included accomplishing something mentally and physically while in prison and reducing his experience of nightmares related to trauma.

Mr. MOHAMED completed the Traumatic Stress and Resilience psychoeducational workshop on December 3, 2020. He completed Phase I: Seeking Safety/Strength of the Resolve Program on January 18, 2023. He completed Phase II: DBT on May 10, 2023. He completed Phase II: CPT on August 9, 2023.

In Phase I, Mr. MOHAMED developed an understanding of the connection between trauma and substance abuse. Through developing this understanding, he had the opportunity to learn healthier coping strategies to manage trauma symptoms and triggers. Additionally, Mr. MOHAMED learned about grounding strategies (i.e., mental, physical, and soothing grounding), and changing his thinking. He learned about healthy boundaries in relationships, explored healthy and unhealthy relationship beliefs, and also explored his anger and the connection between anger and recovery.

At the time of his first progress review, Mr. MOHAMED was participating in Phase I. It was noted that he attended scheduled group sessions but minimally participated in group. At the time of his last progress review for Phase I, it was noted he regularly completed weekly commitments and participated when promoted. He reported having some difficulty applying coping skills and believed the program was more relevant for individuals releasing from prison in the near future. Despite this, he continued to attend programming.

In Phase II: DBT, Mr. MOHAMED learned about mindfulness skills, distress tolerance skills, emotion regulation skills, and interpersonal effectiveness skills. He was also provided opportunities to practice some of the skills in group session.

While participating in Phase II: DBT, it was noted that Mr. MOHAMED increased his overall participation in group. He

Inmate Name:	MOHAMED, KHALFAN KHAMIS	Sex:	M	Facility:	FLM	Reg #:	44623-054
Date of Birth:	07/25/1973	Provider:	Mach, J. PhD, Resolve			Unit Team:	J/A
Date:	08/14/2023 09:43						

appeared interested in the topics of mindfulness and distress tolerance. At the end of DBT, it was noted he had demonstrated improvements in distress tolerance and regulating emotions.

In Phase II: CPT, Mr. MOHAMED received education about PTSD and the nature of symptoms and explored the impact of traumatic events on daily life. Mr. MOHAMED learned about connections between his trauma-related thoughts, feelings, and behaviors. He was encouraged to remember the traumatic event and experience the emotions associated with it. He also increased his ability to challenge maladaptive thoughts about his trauma history. Furthermore, he increased his understanding of unhelpful thinking patterns and learned new, healthier ways of thinking.

While participating in Phase II: CPT, it was noted in Mr. MOHAMED's progress reviews that he arrived for all scheduled group sessions and consistently completed his practice assignments. It should be noted he made significant progress in CPT. He was able to identify stuck points about himself, others, and the world. He has made significant improvements in examining the connection between his trauma-related thoughts, feeling, and behaviors, and was able to challenge these thoughts. He has been able to understand how his history of trauma impacted his sense of safety, trust, power/control, self-esteem and intimacy. His overall beliefs have become less extreme. Much of his reported trauma occurred during his incarceration; as such, many of his extreme beliefs were related to his perceptions of staff members. He has made improvements in this area and is able to see that on most days, he has a reasonable level of safety and can reasonably trust others.

Current Functioning

Mr. MOHAMED presented with a significant reduction in trauma-related symptoms, specifically related to beliefs about safety, trust, and power and control. He engaged in less avoidance related to his trauma and demonstrated improvement in his ability to challenge maladaptive beliefs. He also improved his participation, specifically increasing appropriate self-disclosure, and engagement in the treatment process.

Strengths and Weaknesses

Mr. MOHAMED demonstrated skills in interpersonal effectiveness and commitment to the program as evidenced by reliable attendance, participation, and completion of CPT practice assignments. He was very forthcoming on CPT practice assignments and regularly shared in group. Mr. MOHAMED also demonstrated increased openness to feedback from the Resolve Coordinator. He will benefit from continuing to examine how his trauma has impacted his ability to trust others.

Recommendations

Mr. MOHAMED would benefit from continuing to challenge his stuck points through Challenging Beliefs Worksheets and reading through completed Challenging Beliefs Worksheets, so his new alternative thoughts become more comfortable and automatic. Since his beliefs about safety and trust are so engrained, it will take time and practice to maintain new beliefs.

Prognosis

Mr. MOHAMED presents with a significant reduction in trauma-related symptoms and appears to have addressed his avoidance. As previously noted, it will be important for him to continue addressing his stuck points and reviewing his completed Challenging Beliefs Worksheets to maintain cognitive changes. If he is able to maintain cognitive change, this will likely improve his relationships with others.

Completed by Mach, J. PhD, Resolve Coordinator on 08/15/2023 08:58

Certificate of Completion

Presented to:

Khalfan Mohamed

For Completion of the Resolve/Trauma Program's

SEEKING STRENGTH

FCC Florence

January 18, 2022



Dr. Mach

Resolve Program Coordinator

Certificate of Completion

Presented to:

Kalfan Mohamed

For Completion of the Resolve/Trauma Program's
Dialectical Behavior Therapy

FCC Florence

May 10, 2023


Dr. Mach

Resolve Program Coordinator

Certificate of Completion

Presented to:

Khalfan Mohamed

For Completion of the Resolve/Trauma Program's
Cognitive Processing Therapy

FCC Florence

August 9, 2023



Dr. Mach

Resolve Program Coordinator

Certificate of Completion

Presented to:

Khalfan Mohamed

For Completion of the Resolve/Trauma Program's

Resolve Program

FCC Florence

August 9, 2023



Dr. Mach

Resolve Program Coordinator



**U.S. Department of Justice
Federal Bureau of Prisons**

Federal Correctional Complex
Florence, Colorado
☐ Administrative Maximum Security Institution
☒ High Security Institution
☐ Medium Security Institution
☐ Minimum Security Institution

June 27, 2024

MEMORANDUM FOR: CONCERNED PARTIES

FROM:

A handwritten signature in black ink, appearing to be "C. Huber".

C. HUBER, SENIOR OFFICER SPECIALIST

SUBJECT:

INMATE MOHAMMED, KHALFAN #44623-054

INMATE MOHAMMED #44623-054 has informed me that he is applying for a compassionate release with the courts and has asked that I write a character letter for him. I have no interest in whether a release is granted or not. I have supervised Inmate Mohammed for many years, and he has always been a respectful inmate in my presence. I have never seen him become angry in any way. As far as inmates go, Inmate Mohammed has always been a model inmate when I have supervised him and I have nothing bad to say about him.

POSITIVE DECISION REPORT
FEDERAL BUREAU OF PRISONS
U.S. DEPARTMENT OF JUSTICE
Justification Report

1. Institution: FCI Fort Dix, NJ	3. Register Number 44623-054	4. Date of Incident 06/11/2024	5. Time 12 noon
2. Inmate's Name Khalif K. Mohamed	7. Assignment	8. Unit	
6. Place of Incident FCI Ft. Dix	9. Positive Behavior Demonstrated in Institution Related to ISDS: Daily Living Skills Mental Health Skills Wellness Skills Interpersonal Skills Academic Skills		

10. Justification (Description of Positive Behavior)
 Mr. Khalif K. Mohamed demonstrates a sincere commitment towards preparing himself for re-entry. He has earned points, which transferred him to a step-down unit in the USP at FCI Florence, CO. He is a devoted practitioner of his faith, which has contributed positively to his overall mental and spiritual wellness. He has also stayed incident-free, applying himself to educational programming, such as the "Challenge Program" as well as religious courses in Arabic and Islamic Studies that I taught him at the ADX. I know Mr. Mohamed to be a quiet, intelligent, and respectful person, trusting that this recommendation on his behalf is useful in his application for compassionate release and helpful in re-uniting with his family.

11. Printed Name/Signature of Reporting Employee ELIAZUDDIN SHUAIB	12. Date 06/11/2024
13. Approved by (Signature and title) <i>[Signature]</i> Chaplain	14. Date 06/11/2024

Demonstrated Reentry Skills

This certificate is awarded in recognition of demonstrating notable reentry skills at the Federal Correctional Institution, Fort Dix, New Jersey.



**U.S. Department of Justice
Federal Bureau of Prisons**

Federal Correctional Complex
☒ Administrative Maximum Security Institution
☐ High Security Institution
☐ Medium Security Institution
☐ Minimum Security Institution

Florence, CO 81226

July 9, 2024

MEMORANDUM TO: WHOM IT MAY CONCERN

DAVID LAZARIUK

Digitally signed by DAVID LAZARIUK
Date: 2024.07.09 10:04:57 -06'00'

FROM:

D. Lazariuk, Control Unit Manager

SUBJECT:

Inmate Mohamed, Khalfan Khamis
Register No.: 44623-054

The above referenced individual has been incarcerated at ADX Florence since November 19, 2001. Inmate Mohamed has maintained clear conduct since August 23, 2018. Inmate Mohamed has completed multiple courses to include Anger Management, K2 Awareness, Resolve, and 42 education courses. Inmate Mohamed continues to follow recommendations of the Unit Team and has a good rapport with staff. He progressed to the ADX Step-Down Unit. Inmate Mohamed has since completed the ADX Program and has been recommended for transfer to an appropriate institution commensurate with his security level.

TRULINCS 41119086 - SHABAZZ, SABIR - Unit: FLP-B-A

FROM: 41119086

TO:

SUBJECT: Letter of Support

DATE: 05/27/2024 12:20:57 PM

To whom it may concern:
My name is Sabir Shabazz. I am here with Khalfan Mohamed at Florence Penitentiary.
Prior to this I was at Florence ADX with Mr. Khalfan.

I am familiar with prison litigation because of the many times I've had to seek vindication of my own rights. Mr. Khalfan is the most earnest person I know when it comes to protecting the rights of incarcerated people, including his own.

But unlike some who may view accountability from a onesided perspective, Mr. Khalfan holds himself to the same standard. He is a quiet, thoughtful, and peaceful man. His selfrespect is reflected in the kindness he extends to his neighbors. What I appreciate about Mr. Khalfan most is that our conversations are always positive and whenever he speaks, his words are meaningful.

Mr. Khalfan understands that God has given us two ears and one tongue, and I am grateful to him for providing me a safe space to share my personal struggles with prison life and family matters.

I served 11 years in solitary confinement, and it took everything in me not to succumb to the negativity of the prison environment. The fact that Mr. Khalfan has a Life sentence, has served 24 years in solitary and has been beaten by ADX staff on different occasions, but he still remains so hopeful-- participating in rehabilitative programs and being a positive presence in the incarcerated community-- I believe Mr. Khalfan should be granted compassionate release.

Thank You,

Sabir Shabazz
Reg. No. 41119086
U.S. Penitentiary Florence
PO Box 7000
Florence, CO 81226

J24

May 25, 2024

Re: Letter of Support

Dear Court:

I Marco D. Duncan write this letter of support on behalf of Khalfan Kh. Mohamed, (herein after Mr. Mohamed). I met Mr. Mohamed several years ago while housed at the Florence ADX. During that time I witnessed Mr. Mohamed being subjected to blasphemous disrespect from racist and religiously bias inmates. He further endured routine mistreatment from BOP staff whom were indifferent to his religion and customs. Through it all Mr. Mohamed kept himself composed, and remained respectful towards those who refused to respect him. Because Mr. Mohamed is soft spoken and not physically imposing, I believe it was a huge contributor to the treatment he has endured.

Mr. Mohamed and I do not share the same religion, however, our shared environment allowed us to learn more about each other as men. It was his lack of bitterness, that moved me to want to know him better. Although Mr. Mohamed grew up in poverty and received poor schooling, he is steadfastly committed to learning and bettering himself. Mr. Mohamed has patiently helped me with learning his native language (Swahili). In return, I have helped him to expand his legal aptitude.

Mr. Mohamed is determined not to let his environment or circumstances compromise his humanity, and he is easily one of the most polite and courteous men I have ever met in or out of prison. He keeps to himself and always moves with purpose, yet he's always available to others who are purpose driven. His conversation and outlook on life is always positive. (Emphasis added). He does not engage in gossip, nor does he entertain nonsense, unproductive conversation, or unproductive people. Yet, Mr. Mohamed is always 100% intellectually available for most things positive.

Admittedly, I do not know the specifics of Mr. Mohamed's crime. I only know what he has shown me consistently, and that is a positive man of impeccable character. Based on what I have personally observed, there is absolutely nothing negative I can say about Mr. Mohamed. I hope that he is returned back to his country and ultimately home to his family. Thank you for consideration of my support letter.

Sincerely,

MARCO D. DUNCAN

#37679-048

USP Florence

P.O. Box 7500

Florence, CO. 81226

MEC

T-1

(1)

To: the Judge

From: Waad R. Alwan, Reg # 13523-033

RE: Letter of Support for K.K. Mohamed #44623-054

Dear Judge:

I write this letter in support to Khalafan Kh. Mohamed request for Compassionate Release or Reduction of Sentence to this Court.

I have known Mohamed for over 4-years now. In that period of time, I've been housed with him in different units - first at ADX-Florence and now here, C.S.P. Florence. For the past a year and half or so, I've been interacting with Mohamed even more often. In doing so, I've been able to experience, and observe him from the first-hand level what I describes here about Mohamed, therefore, is his character as I've known him since I've met him 4-years ago, and certainly, as he is now.

To my personal experience in prison (I've been incarcerated since 2011), Mohamed represents a rare character in prison. That is even truer considering Mohamed's rough experience within the prison walls. I've learned early on, even before meeting with him, that he was wrongly beaten and badly injured several times in prison. Because of those repeated mistreatment, Mohamed has been suffering from different serious physical and mental injuries. Mohamed told me personally, as his younger brother-in-faith that as a result of

(2)

the abuses he received from BOP staff, he has been forced to live with excruciating pain on several parts of his body. He also told me that he developed extreme sense of fear and distrust towards the officers and the staff. In addition, I've learned from Mohamed's cell mate that Mohamed has many other problems that he feels uncomfortable to talk to people about. For example, when he sleeps, he sees bad dreams that showing him like the officers beating him again. He's also, most of times feels upset and don't like to speak to people. He forgets a lot of things. And because he's afraid from officers, he's a lot of times decide to remain in the cell.

I believe Mohamed's life is much harder in prison more than any one's else I've known in my past 13-years in prison.

But even with all that hard life, Mohamed try and I think successfully so, to maintain his exemplary character. After multiple assaults against him by the staff, Mohamed is always respectfully with the staff. I've never seen or heard Mohamed raising his voice to any officer. He also keeps the same level of respect with other inmates.

Mohamed also likes to help other people in many different ways. For example, Mohamed often helping me to write my requests

(3) to staff like medical and unit team staff. He also helping me to write my administrative remedy. Sometimes I also ask Mohamed to explain to me staff responses to me and other papers. That is because my English is not good. I also saw Mohamed helping other prisoners to file their remedies and right their legal papers. Mohamed do all that without asking or taking any payment. Most prisoners only helping other inmates if they get payment.

Mohamed also take lot of programs. He always encourage me to do that. He recently encouraged me and my celly to request to participate in "CHALLENGE" program under the FIRST STEP ACT (FSA) that Mohamed himself he already signed up for. I know that back in ADX-Florence, Mohamed did the entire "RESOLVE" program, also under the FSA. I don't know any one who completed RESOLVE program (almost one year long) beside Mohamed. Mohamed also like his family and relatives. He always maintain close contact and relationship. He also encourages me to do the same.

In my 4-years of knowing Mohamed I've never seen or heard him supporting violent acts nor saying any thing to that regard. I haven't even heard Mohamed raising his voice to any one. According to my own personal experience with Mohamed

(4)
the person I see in him is exemplary inmate
to which I've never come across with in my past
13+ years in prison.
I know that Mohamed wants sincerely to go
back to his family in Tanzania and live with his
family peacefully. I respectfully asks the court
to give Mohamed second chance after he
already stayed in prison for 25 years.

June 1, 2024

Waad R Mwan # 135 23033
U.S.P. Florence, Box 7000
Florence, CO 81226
~~S. L. A.~~

Letter of Support for Khalfan Mohamed

My name is Donald Morgan, and I have known Khalfan Mohamed in the ADX Florence almost 2 years. Offering a character reference or letter of support is not something that I take lightly nor done often.

However, when Khalfan approached me for such a letter I didn't hesitate to do so. Therefore, may this court accept this letter as a testament and sincere statement regarding Khalfan Mohamed, his character and an appeal to grant him compassionate relief.

My ability to speak with confidence and certainty about Khalfan is rooted in our close and personal interactions since arriving at the "step down" program of ADX. From the moment I met him until now, he has shown consistency in his behaviour and character. I can state he is a genuinely humble, kind, generous and caring man. We both are devout, practicing Muslims, and his sincerity in faith is unmatched. Not only does he hold himself to the best standards of morals & ethics, but he encourages others to do so as well. During our first 8-9 months together, we were housed in solitary cells. However, as we both progressed in the program to transition from ADX to a general population setting, we are required to have a cellmate. Khalfan and I have lived side by side approaching 4 months now. At times, we are in the cell together 24 hours, 21 hours, which makes

hiding our true character, nature and faults impossible.

Therefore, Khalfan has spent 25 years in solitary confinement and I have spent almost 8 1/2 years isolated also. Being cellmates we both have the best position to observe and measure each other. Khalfan has only proven to be more true to the character I had observe before. I only grew in my love, respect and understanding of Khalfan. On one hand, I was able to see his genuine love for his family back in Zanzibar whom he maintains regular contact with now through access to phone calls and emails. I witnessed a man who cares deeply for his ailing mother, siblings, cousins etc, and I enjoyed his care and concern for me and son, who is the only family that have. Khalfan demonstrate sincere empathy towards me and other, ready to offer a shoulder to lean on or a kind word.

On the other hand, I got an up close, personal insight into the suffering that now has become a part of his life. Since his arrest and incarceration over 25 years ago, he has experienced countless bias, harassment and verbal abuses from staff. More importantly, he has been the victim of vicious assaults and beatings by staff as recent as a beating in 2018 by ADX officers which left him with severe physical injuries including a broken

ankle. However, over time physical injuries can heal completely or almost completely, but psychological traumas typically last the rest of a victim's life. Khalfan is no exception, and I have observed his struggle with nightmares, insomnia, PTSD, fear of being attacked or killed by staff. I am there with him as he is waken by fear and nightmares in the middle of the night. I, certainly I hope this court agrees, do not believe his sentence was to include beatings, injuries, psychological trauma or a life of fear. Khalfan has suffered fractured facial bones, broken nose, broken ankle, and many of these incidents occurred while he, a 5'6" 135lb man, was in restraints. Needless to say, he struggles now with acute PTSD and trauma which I witness firsthand as his cellmate. It was due to his trauma and assaults that he was enrolled into the FSA program called RESOLVE. A nine month psychology group that attempts to heal wounds of trauma etc. Despite his successful completion the effects of trauma and abuse even with medication may exist for the rest of his life. So Khalfan's reality is no safe space exists for him, but in spite of all the aforementioned, Khalfan keeps his head up, being as positive as possible, never unleashing an angry word only seeking justice. He always has kind words and offers sincere guidance to others. Many of us would find it a

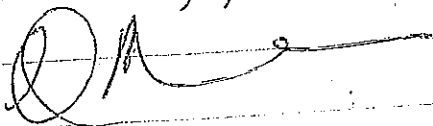
struggle to follow those manners in the face of the same adversities and injustices.

Currently, Khalfan was accepted to another FSA program, CHALLENGE, and he is awaiting transfer to a reduced security institution to begin the CHALLENGE program despite not being "qualified" to benefit from most of the incentives other inmates will enjoy. Khalfan simply is on a mission of healing and self-improvement.

Perhaps his abuse, his rehabilitation efforts, his trauma etc alone is not reason for relief, but when his experiences and sufferings are taken in totality then relief is warranted. I believe he deserves compassionate release and reduction in sentence. I can only pray this Court agrees and weighs him in light of who he is today, his extraordinary and compelling reasons and not for his past. I thank this Court for its time and consideration.

Sincerely,

Date: 28 May 24



Donald Morgan 80886053
USP Florence ASX

Po Box 7000

Florence, CO 81226

The Court:

From Mohamed R. Alowhali, Reg. #42371054

Re: Letter of Support for Khalfan Mohamed ("Mohamad")

Dear Judge,

I am a codefendant of Mohamed and I respectfully writing this letter of support in reference to his request for compassionate release before this court.

My Long Familiarity With Mohamed

I first knew and been incarcerated with Mohamed in 1999. Following our conviction and sentence, we were then transferred to Florence ADX in 2001. We continued to be housed in the same unit and had continuing interactions until 2014. At that time, I was moved to another unit and eventually to another prison while Mohamed remained at the ADX. So I was with Mohamed all years from 1999 to 2014. And for about 6 months of those years we were cellmates.

After almost eight years of separation, I met Mohamed again at Florence ADX in one of the units. However, in about December of that year, we once more briefly separated and moved to different units. Finally, in May or June 2023, I met Mohamed again in the Step Down unit within the ADX where we were both in transition to be transferred out to a lesser restrictive BOP prison. As I write this letter, we were still waiting for our transfer from here, Florence Penitentiary.

Mohamed as a Muslim, Prisoner and Member of His Family

Mohamed and I were charged and convicted of serious

crimes. However, Mohamed's character isn't merely defined by his convictions. Mohamed, as I've saw and experienced him for many years, is a person defined by the care and love he gives to his family and the respect he shows fellow prisoners and staff.

Within all my years with Mohamed he deeply expressed care and love for his family. He always stayed in close relationship as the circumstances allowed him, not only with his elderly ailing mother, but all of his many siblings, in laws and their many children (his nephews and nieces). Due to his unlimited love and care for his family, Mohamed spent several years in litigation to be provided meaningful communication with his family. SEE *Mohamed v Holder*, No. 07-cv-02697

Though Mohamed is indigent with very limited financial means, he preferred to go hungry from lack of enough food and instead spend the little money he occasionally received to call and write his family. Up until 2020, BOP prisoners had to pay for all social phone calls. A 15 minute call used to cost Mohamed and I about \$15 per call.

In his correspondence with family, especially his siblings and their children, Mohamed tries to ensure the children are properly taken care of with the best nurturing, discipline and education his family can afford. He wants them to be the most productive members of their society.

It's my understanding that Mohamed calls every one from his family that the BOP allows. He has 30 approved numbers. Except two numbers for his attorneys, the rest are all his family and relatives. On several occasions I've heard Mohamed ask for authorization of additional numbers. There are still some relatives he can't call because of the BOP's 30 phone number limitation.

On the other hand, Mohamed shows respect to staff and

he cares about his fellow inmates, muslim or non-muslim. He has never got into a verbal or physical fight with any inmate. Rather, he spends substantial amounts of time helping inmates who need his help. I have saw Mohamed teach other prisoners how to properly read the Quran, help draft their administrative remedies and other requests, and even help them with court papers. Unlike most prisoners, I've saw him do all that without asking or expecting any payment in return.

Finally, Mohamed is respectful with officers and staff. He neither uses any bad language nor is he disobedient with staff. To my knowledge, Mohamed has only been disciplined a few times in almost 25 years. It's my understanding that almost all of those incident reports were fabricated to justify previously committed assaults on Mohamed by staff.

How Mohamed Spent His Time

Mohamed tried his best to benefit from his time in prison. Especially after our arrival to the ADX in 2001. Being a primarily Swahili-speaking muslim, he learned the Arabic language and various Islamic sciences from myself and others to properly understand his religion. He also made great advancements in his English. He taught himself different subjects concerning the contemporary world. Later, when it became necessary for him to start filing law suits he learned some areas of civil law and how prison regulations work or should work.

After acquiring a reasonable knowledge in Arabic language and relevant subjects, Mohamed began to translate the Holy Quran into his own native tongue, Swahili. Before we were seperated in 2014, Mohamed had been working on his translation for a number of years. I can remember that when it was necessary, back in ADX's H-Unit, he would ask other muslims and I for clarification in certain areas.

In addition to working on his quranic translation, Mohamed worked on other projects too. After the Quran, his most significant project was his daily journals. He kept daily journals from the time he got to the ADX in 2001. Over the years, I saw him write and he would show me his collection. When I left him in 2014, he already had a lot of journals. His most valuable possessions in prison were those two projects, and he intended to someday have his family get them published. Also, Mohamed would often purchase books from other people and check out books from the prison library. He would then take important notes that he wanted to use in ongoing and future projects. He valued these projects so dearly.

Even though we were housed in the most restrictive conditions of confinement - Special Administrative Measures ("SAM" restrictions) - Mohamed tried hard to benefit from his time in prison. He was hopeful and optimistic and that was something I rarely saw in the ADX. I believe Mohamed used his time appropriately and it allowed him to develop a positive attitude despite having a life sentence and living under SAM restrictions. Mohamed still worked hard for himself, his family, and the betterment of his community.

The Current Mohamed As I See Him

When I met Mohamed again in 2022, I immediately knew he was no longer the same person I left in 2014. Outside at recreation he was no longer as hopeful, optimistic and positive as I remembered. He would hardly speak to me or anyone else. He was physically with us but his thoughts and concentration appeared to be completely absent. He didn't smile much and almost never laughed. I spoke to him three or four times at the rec yard and then he wouldn't come out anymore unless I begged him.

Because I had known Mohamed for such a long time, I knew something was seriously wrong with him, so I decided to ask him about it. He hesitated to respond, then with a

clear sense of shame and humiliation, expressed that APX staff had physically assaulted and seriously injured him in 2018 and 2022. He told me that after the 2018 assault he fell into a deep depression and other emotional issues. He said he'd made sincere efforts to recover but there was just no way to get better.

Among many things I've learned from Mohamed is that though he shows the utmost courtesy to prison staff here, he now has a continuing fear and mistrust of them. He said the reason he didn't come out the cell more often is both his depression which makes it very difficult for him to do meaningful group activities or socialize, and his fear of being assaulted again.

When I asked Mohamed about his projects, my question brought tears to his eyes. He told me the projects I was aware of and the one he began after I left him were all confiscated and destroyed at the times he was attacked by staff. He would later reveal to me that after he lost everything in 2018, he thought about ending his life. He shared with me that along with suffering physical and mental injuries he had lost his lifeworks of 20 years and felt there was no way to recovery.

That is Mohamed today. Though he works as hard as he can, participating in long psychology courses in hopes of finding relief from his trauma, he still suffers. We are presently in B/A Unit over at Florence Penitentiary. The Unit houses about 40 inmates. Mohamed spends most of his time in the cell. If he is not talking on the phone to his family, using the law library computer or taking a shower, he isolates himself in the cell because he feels he's secure from the officers there.

For years Mohamed has been taking several pain and antidepressant medications. I can see that he is not alright. I believe he is now discouraged, vulnerable, full of shame and somewhat pessimistic. He tells me that recurring nightmares and distress about the staff assault hinder him

from recovery. He is constantly triggered by the appearance of officers, the noises of keys and seeing the shape of handcuffs.

Mohamed has made me aware of his intent to request this court grant him Compassionate Release. I don't believe 25 years ago this court sentenced Mohamed to be repeatedly assaulted and subjected to torture. I respectfully ask that Mohamed be provided relief from the punishments described above, in the form of compassionate release.

Mohamed R. Alowhali,
U.S. Penitentiary Florence
PO Box 7000
Florence, CO 81226

June 4, 2024

M/R
s/ *Alowhali Mohamed*

From: Jon Michael
Freedom Ministry (Pen pal ministry)
Westgate Chapel
22901 Edmonds Way
Edmonds, WA 98020

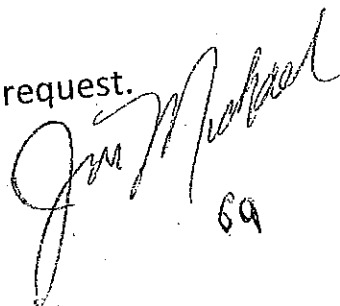
Re: Khalfan K Mohamed
#44623-054
USP Florence AMAX
P.O. BOX 8500
Florence Colorado, 81226-8500

July 19, 2024

To Whom it may concern:

This is a letter of support for Khalfan K. Mohamed. It is written from my perspective after corresponding with Khalfan since April 2021. We have exchanged thirty-two letters over this thirty-nine month period. Our backgrounds and life experiences are extremely different. Khalfan comes from Zanzibar a third world country in East Africa. I've lived in Seattle WA for forty + years. For 25 years I was active in jail ministry at the King County Correction Center, twelve of those years I was privileged to serve as a volunteer lead chaplain. Khalfan has seen incarceration from the inside for over half of his life. I've been blessed to have a formalized education with several degrees and certifications. Khalfan has not been granted these opportunities, and yet I have found him to be an intelligent and avid learner seeking always to better himself. He is diligent, hard writing letters up to 14 pages. Every question asked of him gets a full answer. He is an observer and thinker. He is multi-lingual which I am not. I consider him a person of noble character who strives to do what he has been taught is right. We differ significantly in our spiritual practices as he is Muslim and I am a follower of Jesus. We have shared our faiths over the years and find many beliefs in common: God is the Great Creator, God wants us to know his will and speaks to all people through prophets revealing right and wrong, God calls us to be obedient, to show charity, to fellowship with other followers and be loyal and caring toward family. Khalfan deeply desires to return home and take care of his ageing mother. Khalfan has never pressed me to provide him with anything other than honesty in communicating. We have had differences in opinions and perspectives regarding politics, and yet we communicate respectfully and learn from each other. I pray for Khalfan and he prays for me. Khalfan is resilient, intelligent and moral from my vantage point.

I hope you can consider his request.


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FSA Recidivism Risk Assessment (PATTERN 01.03.00)

Register Number: 44623-054, Last Name: MOHAMED

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Register Number: 44623-054

Inmate Name

Last.....: MOHAMED

First.....: KHALFAN

Middle.....: KHAMIS

Suffix.....:

Gender.....: MALE

Risk Level Inmate....: R-LW

General Level.....: R-LW (9)

Violent Level.....: R-LW (21)

Security Level Inmate: HIGH

Security Level Faci...: HIGH

Responsible Facility.: FLM

Start Incarceration...: 10/18/2001

PATTERN Worksheet Summary

Item	- Value	- General Score	- Violent Score
Current Age	49	14	8
Walsh w/Conviction	FALSE	0	0
Violent Offense (PATTERN)	TRUE	5	7
Criminal History Points	0	0	0
History of Escapes	0	0	0
History of Violence	5	5	10
Education Score	NotEnrolled	0	0
Drug Program Status	NoNeed	-6	-3
All Incident Reports (120 Months)	2	2	2
Serious Incident Reports (120 Months)	1	1	1
Time Since Last Incident Report	58	0	0
Time Since Last Serious Incident Report	59	0	0
FRP Refuse	FALSE	0	0
Programs Completed	38	-12	-4
Work Programs	0	0	0
		Total 9	21

PATTERN Worksheet Details

Item: Programs Completed, Value: 38

General Score: -12, Violent Score: -4

Risk Item Data

Category	- Assignment	- Start	- Stop
EDC	PARENT 2	03/13/2006 00:01	03/13/2006 00:01
EDC	AMERICA RV	03/16/2006 00:01	03/16/2006 00:01
EDC	COSMOS	05/17/2006 00:01	05/17/2006 00:01
EDC	NATURL LAW	11/23/2006 00:01	11/23/2006 00:01
EDC	TWO WARS	01/24/2007 00:01	01/24/2007 00:01
EDC	PHYS LIF 1	02/15/2007 00:01	02/15/2007 00:01
EDC	AM EXP 2	04/04/2007 00:01	04/04/2007 00:01
EDC	PHYS LIF 2	04/19/2007 00:01	04/19/2007 00:01
EDC	HIST IMP	06/21/2007 00:01	06/21/2007 00:01
EDC	FAM GREEKS	09/13/2007 00:01	09/13/2007 00:01

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FSA Recidivism Risk Assessment (PATTERN 01.03.00)

Register Number: 44623-054, Last Name: MOHAMED

FEDERAL BUREAU OF PRISONS

U.S. DEPARTMENT OF JUSTICE

EDC	BIOGRAPHY	11/14/2007 00:01	11/14/2007 00:01
EDC	FAM ROMANS	12/06/2007 00:01	12/06/2007 00:01
EDC	TEN DAYS	02/20/2008 00:01	02/20/2008 00:01
EDC	VIKINGS 1	02/28/2008 00:01	02/28/2008 00:01
EDC	AM EXP 3	04/30/2008 00:01	04/30/2008 00:01
EDC	VIKINGS 2	05/01/2008 00:01	05/01/2008 00:01
EDC	1812 & HIT	07/23/2008 00:01	07/23/2008 00:01
EDC	EUR ART 1	09/25/2008 00:01	09/25/2008 00:01
EDC	AM EXP 4	10/01/2008 00:01	10/01/2008 00:01
EDC	ARCH WOND	12/24/2008 00:01	12/24/2008 00:01
EDC	HIST WW II	02/18/2009 00:01	02/18/2009 00:01
EDC	NOVA	04/29/2009 00:01	04/29/2009 00:01
EDC	BIOL BEHV	06/04/2009 00:01	06/04/2009 00:01
EDC	ENG EMPIRE	07/22/2009 00:01	07/22/2009 00:01
EDC	HIST SCI 1	08/27/2009 00:01	08/27/2009 00:01
EDC	BATTLES	10/14/2009 00:01	10/14/2009 00:01
EDC	HIST SCI 2	10/29/2009 00:01	10/29/2009 00:01
EDC	BITS HIST	12/09/2009 00:01	12/09/2009 00:01
EDC	PELP WAR 1	12/31/2009 00:01	12/31/2009 00:01
EDC	UNIVERSE 1	03/03/2010 00:01	03/03/2010 00:01
EDC	PELP WAR 2	03/04/2010 00:01	03/04/2010 00:01
EDC	BOOK HIST1	05/06/2010 00:01	05/06/2010 00:01
EDC	AM WAR 1	05/26/2010 00:01	05/26/2010 00:01
EDC	BOOK HIST2	07/08/2010 00:01	07/08/2010 00:01
EDC	PASSIONS	05/25/2020 00:01	05/25/2020 00:01
EDC	FORENSIC H	10/03/2022 00:01	10/03/2022 00:01
EDC	GRAMMAR	01/02/2023 00:01	01/02/2023 00:01
EDC	AMER WEST	04/03/2023 00:01	04/03/2023 00:01

Item: Work Programs, Value: 0

General Score: 0, Violent Score: 0

Risk Item Data

No Data

71

(2)

Assessment Date: 07/23/2023

Assessment# R-21466

FLMHX 606.00 * MALE CUSTODY CLASSIFICATION FORM * 01-15-2024
PAGE 001 OF 001 10:37:58

(A) IDENTIFYING DATA

REG NO.: 44623-054

FORM DATE: 02-10-2023

ORG: FLM

NAME: MOHAMED, KHALFAN KHAMIS

MGTV: NONE

MVED:

(B) BASE SCORING

DETAINER: (0) NONE

MOS REL.: 540

ESCAPES.: (0) NONE

VOL SURR: (0) N/A

EDUC LEV: (2) NO VERFD HS/ NO GED

SEVERITY: (7) GREATEST

CRIM HIST SCORE: (00) 0 POINTS

VIOLENCE: (5) < 5 YRS MINOR

AGE CATEGORY: (2) 36 THROUGH 54

DRUG/ALC ABUSE: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED: (3) 0-25%

LIVING SKILLS: (1) AVERAGE

FREQ DISCIP RPT.: (3) NONE

PROG PARTICIPAT: (1) AVERAGE

TYPE DISCIP RPT: (5) NONE

FAMILY/COMMUN: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST	VARIANCE	SEC TOTAL	SCORED	LEV	MGMT	SEC LEVEL	CUSTODY	CONSIDER
+16	+17	0	+16	HIGH	N/A		MAX	SAME

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

FLMHX
PAGE 001INMATE EDUCATION DATA
TRANSCRIPT* 01-15-2024
* 10:38:14REGISTER NO: 44623-054
FORMAT.....: TRANSCRIPTNAME...: MOHAMED
RSP OF: FLP-FLORENCE HIGH USP

FUNC: PRT

EDUCATION INFORMATION		START DATE/TIME	STOP DATE/TIME
FACIL ASSIGNMENT	DESCRIPTION	02-28-2002 0821	CURRENT
FLP ESL HAS	ENGLISH PROFICIENT	05-13-2022 0001	CURRENT
FLP GED SAT	GED PROGRESS SATISFACTORY	02-28-2002 0821	CURRENT
FLP GED XN	EXEMPT GED NON-PROMOTABLE		

EDUCATION COURSES		START DATE	STOP DATE	EVNT	AC	LV	HRS
SUB-FACL	DESCRIPTION	09-28-2023	CURRENT				
FLP STPD	B/A GED CLASS 12:30 TO 2:30PM	11-06-2023	11-20-2023	P	C	P	6
FLP STPD	HISTORY OF THE MID-EAST	10-13-2023	10-26-2023	P	C	P	6
FLP STPD	HISTORY OF HALLOWEEN	05-10-2021	09-27-2023	P	W	I	564
FLM	GED PROGRAM	04-03-2023	07-01-2023	P	C	P	12
FLM	THE AMERICAN WEST ACE CLASS	01-02-2023	04-01-2023	P	C	P	12
FLM	ACE - ENGLISH GRAMMAR BOOTCAMP	10-03-2022	12-31-2022	P	C	P	12
FLM	FORENSIC HISTORY ACE	05-25-2020	08-15-2020	P	C	P	12
FLM	THE PASSIONS : PHILOSOPHY	08-18-2010	10-12-2010	P	W	V	15
FLM	500 NATIONS	07-08-2010	09-08-2010	P	C	P	27
FLM	BOOKS THAT MADE HISTORY 2	05-26-2010	08-17-2010	P	C	P	36
FLM	AMERICA AT WAR - PART 1	05-06-2010	07-07-2010	P	C	P	27
FLM	BOOKS THAT MADE HISTORY 1	03-03-2010	05-25-2010	P	C	P	36
FLM	THE UNIVERSE - PART 1	03-04-2010	05-05-2010	P	C	P	27
FLM	PELOPONNESIAN WAR - PART 2	12-31-2009	03-03-2010	P	C	P	27
FLM	PELOPONNESIAN WAR - PART 1	12-09-2009	03-02-2010	P	C	P	36
FLM	BITS OF HISTORY	10-29-2009	12-30-2009	P	C	P	27
FLM	HISTORY OF SCIENCE - PART 2	10-14-2009	12-08-2009	P	C	P	24
FLM	BATTLES OF THE ANCIENT WORLD	08-27-2009	10-28-2009	P	C	P	27
FLM	HISTORY OF SCIENCE - PART 1	07-22-2009	10-13-2009	P	C	P	36
FLM	ENGINEERING AN EMPIRE	06-04-2009	08-26-2009	P	C	P	36
FLM	BIOLOGY & HUMAN BEHAVIOR	04-29-2009	07-21-2009	P	C	P	36
FLM	NOVA	02-18-2009	04-28-2009	P	C	P	30
FLM	HISTORY OF WORLD WAR II	12-24-2008	02-17-2009	P	C	P	24
FLM	ARCHITECTURAL WONDERS	09-25-2008	12-17-2008	P	C	P	36
FLM	HISTORY OF EUROPEAN ART PART 1	10-01-2008	12-23-2008	P	C	P	36
FLM	AMERICAN EXPERIENCE PART 4	07-23-2008	10-01-2008	P	C	P	30
FLM	WAR OF 1812 & LIFE OF HITLER	04-30-2008	07-22-2008	P	C	P	36
FLM	AMERICAN EXPERIENCE - PART 3	05-01-2008	07-02-2008	P	C	P	27
FLM	THE VIKINGS - PART 2	02-28-2008	04-30-2008	P	C	P	27
FLM	THE VIKINGS - PART 1	02-20-2008	04-29-2008	P	C	P	30
FLM	TEN DAYS THAT CHANGED AMERICA	12-06-2007	02-27-2008	P	C	P	36
FLM	FAMOUS ROMANS	11-14-2007	02-19-2008	P	C	P	42
FLM	BIOG: EXPLORERS & EARLY AMERIC	09-13-2007	12-05-2007	P	C	P	36
FLM	FAMOUS GREEKS	06-21-2007	09-12-2007	P	C	P	36
FLM	A HISTORY OF IMPRESSIONISM	04-19-2007	06-20-2007	P	C	P	27
FLM	PHYSICS IN YOUR LIFE - PART 2	04-04-2007	06-26-2007	P	C	P	36
FLM	THE AMERICAN EXPERIENCE-PART 2	02-15-2007	04-18-2007	P	C	P	27
FLM	PHYSICS IN YOUR LIFE - PART 1	01-24-2007	04-03-2007	P	C	P	30
FLM	AMER. REVL. + US MEXICAN WAR						

G0002

MORE PAGES TO FOLLOW . . .

FLMHX *
PAGE 002 OF 002 *

INMATE EDUCATION DATA
TRANSCRIPT

* 01-15-2024
* 10:38:14

REGISTER NO: 44623-054
FORMAT.....: TRANSCRIPT

NAME...: MOHAMED
RSP OF: FLP-FLORENCE HIGH USP

FUNC: PRT

SUB-FACL		DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
FLM		NATURAL LAW & HUMAN NATURE	11-23-2006	02-14-2007	P	C	P	36
FLM		COSMOS	05-17-2006	08-08-2006	P	C	P	36
FLM		THE AMERICAS IN REVOLUTION	03-16-2006	06-01-2006	P	C	P	36
FLM		PARENTING 2 PROGRAM	03-13-2006	05-19-2006	P	C	P	16

TEST		SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
TABE M		BATTERY	7.6	05-06-2021	FLM	10	
		LANG MECH	0.0	05-06-2021	FLM	10	
		LANGUAGE	7.8	05-06-2021	FLM	10	
		MATH APPL	9.0	05-06-2021	FLM	10	
		MATH COMP	4.8	05-06-2021	FLM	10	
		READING	8.0	05-06-2021	FLM	10	
		SPELLING	0.0	05-06-2021	FLM	10	
		TOTAL MATH	6.9	05-06-2021	FLM	10	
		VOCABULARY	0.0	05-06-2021	FLM	10	

G0000

TRANSACTION SUCCESSFULLY COMPLETED

FLMHX 531.01 * INMATE HISTORY * 01-15-2024
 PAGE 001 OF 001 * PT OTHER * 10:38:51

REG NO.: 44623-054 NAME.....: MOHAMED, KHALFAN KHAMIS

CATEGORY: FUNCTION: DIS FORMAT:

FCL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
FLP	ANGMINCOMP ANGER MANAGEMENT INCOMPLETE	09-28-2023 1153	CURRENT
FLP	COG PRC W NONRESLV COG PRC TRAUMA WAIT	11-30-2021 0841	CURRENT
FLP	CR TH WAIT CRIMINAL THINKING WAIT	11-30-2021 0839	CURRENT
FLP	DIAL BEH W NON-RESOLVE DIAL BEH TX WAIT	11-30-2021 0903	CURRENT
FLP	EM SR WAIT EMOTIONAL SELF-REG CBT WAIT	11-30-2021 0903	CURRENT
FLP	IL MG WAIT ILLNESS MGMT AND RECOVERY WAIT	11-30-2021 0840	CURRENT
FLP	INSOM W CBT FOR INSOMNIA WAIT	07-22-2022 1329	CURRENT
FLP	M COG TH W MIND BASE COGNTV THERPY WAIT	07-22-2022 1329	CURRENT
FLP	SST WAIT SST SCHIZOPHRENIA CBT WAIT	07-22-2022 1330	CURRENT
FLP	WELL REC W WELLNESS RECOVERY ACT PL WAIT	07-22-2022 1329	CURRENT
FLP	K2 AWARE C K2 AWARENESS COMP	10-26-2023 1253	10-26-2023 1253
FLP	K2 AWARE P K2 AWARENESS PART	10-10-2023 0941	10-26-2023 1253
FLP	ANG M PART ANGER MANAGEMENT CBT PART	08-31-2023 1000	09-28-2023 1153
FLM	ANG M WAIT ANGER MANAGEMENT CBT WAIT	11-30-2021 0839	08-31-2023 1000

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

FLMHX 531.01 *
PAGE 001 OF 001 *

INMATE HISTORY
PSYCH TRMT

* 01-15-2024
* 10:38:56

REG NO.: 44623-054 NAME: MOHAMED, KHALFAN KHAMIS

CATEGORY:

FUNCTION: DIS

FORMAT:

FCL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
FLP	CHG SCREEN CHALLENGE SCREENING	01-08-2024 0825	CURRENT
FLP	RCPTCOMP RESOLVE PHASE 2 CPT COMPLETE	08-09-2023 0945	CURRENT
FLP	RDBTCOMP RESOLVE PHASE 2 DBT COMPLETE	05-10-2023 1036	CURRENT
FLP	RP1 COMP RESOLVE PHASE ONE COMPLETED	01-18-2023 1214	CURRENT
FLP	RSOL COMP RESOLVE PROGRAM COMPLETED	08-09-2023 0945	CURRENT
FLP	RSW COMP RESOLVE WORKSHOP COMPLETED	12-03-2020 0836	CURRENT
FLM	RCPTPART RESOLVE PHASE 2 CPT PARTICPATE	05-10-2023 1037	08-09-2023 0945
FLM	RDBTPART RESOLVE PHASE 2 DBT PARTICPATE	01-18-2023 1215	05-10-2023 1036
FLM	RP1 PART RESOLVE PHASE ONE PARTICIPANT	10-05-2022 0846	01-18-2023 1214
FLM	RP1 WAIT RESOLVE PHASE ONE WAITING	05-13-2022 0902	10-05-2022 0846
FLM	RP1 TEST RESOLVE PHASE ONE SCREENING	12-03-2020 0837	05-13-2022 0902
FLM	RSW PART RESOLVE WORKSHOP PARTICIPANT	10-21-2020 0630	12-03-2020 0836
FLM	RSW WAIT RESOLVE WORKSHOP WAITING	02-25-2020 0651	10-21-2020 0630

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

FSA Recidivism Risk Assessment (PATTERN 01.03.00)

Register Number: 44623-054, Last Name: MOHAMED

FEDERAL BUREAU OF PRISONS

U.S. DEPARTMENT OF JUSTICE

Register Number: 44623-054

Inmate Name:

Last.....: MOHAMED

First.....: KHALFAN

Middle.....: KHAMIS

Suffix.....:

Gender.....: MALE

Risk Level Inmate.....: R-LW

General Level.....: R-LW (7)

Violent Level.....: R-LW (17)

Security Level Inmate: HIGH

Security Level Faci...: HIGH

Responsible Facility.: FLP

Start Incarceration...: 10/18/2001

PATTERN Worksheet Summary

Item	Value	General Score	Violent Score
Current Age	50	14	8
Walsh w/Conviction	FALSE	0	0
Violent Offense (PATTERN)	TRUE	5	7
Criminal History Points	0	0	0
History of Escapes	0	0	6
History of Violence	3	3	0
Education Score	NotEnrolled	0	-3
Drug Program Status	NoNeed	-6	2
All Incident Reports (120 Months)	2	2	1
Serious Incident Reports (120 Months)	1	1	0
Time Since Last Incident Report	70	0	0
Time Since Last Serious Incident Report	70	0	0
FRP Refuse	FALSE	0	-4
Programs Completed	40	-12	0
Work Programs	0	0	17
		Total 7	

PATTERN Worksheet Details

Item: Programs Completed, Value: 40

General Score: -12, Violent Score: -4

Risk Item Data

Category	Assignment	Start	Stop
EDC	PARENT 2	03/13/2006 00:01	03/13/2006 00:01
EDC	AMERICA RV	03/16/2006 00:01	03/16/2006 00:01
EDC	COSMOS	05/17/2006 00:01	05/17/2006 00:01
EDC	NATURL LAW	11/23/2006 00:01	11/23/2006 00:01
EDC	TWO WARS	01/24/2007 00:01	01/24/2007 00:01
EDC	PHYS LIF 1	02/15/2007 00:01	02/15/2007 00:01
EDC	AM EXP 2	04/04/2007 00:01	04/04/2007 00:01
EDC	PHYS LIF 2	04/19/2007 00:01	04/19/2007 00:01
EDC	HIST IMP	06/21/2007 00:01	06/21/2007 00:01
EDC	FAM GREEKS	09/13/2007 00:01	09/13/2007 00:01

FSA Recidivism Risk Assessment (PATTERN 01.03.00)

Register Number: 44623-054, Last Name: MOHAMED

FEDERAL BUREAU OF PRISONS

U.S. DEPARTMENT OF JUSTICE

EDC	BIOGRAPHY	11/14/2007 00:01	11/14/2007 00:01
EDC	FAM ROMANS	12/06/2007 00:01	12/06/2007 00:01
EDC	TEN DAYS	02/20/2008 00:01	02/20/2008 00:01
EDC	VIKINGS 1	02/28/2008 00:01	02/28/2008 00:01
EDC	AM EXP 3	04/30/2008 00:01	04/30/2008 00:01
EDC	VIKINGS 2	05/01/2008 00:01	05/01/2008 00:01
EDC	1812 & HIT	07/23/2008 00:01	07/23/2008 00:01
EDC	EUR ART 1	09/25/2008 00:01	09/25/2008 00:01
EDC	AM EXP 4	10/01/2008 00:01	10/01/2008 00:01
EDC	ARCH WOND	12/24/2008 00:01	12/24/2008 00:01
EDC	HIST WW II	02/18/2009 00:01	02/18/2009 00:01
EDC	NOVA	04/29/2009 00:01	04/29/2009 00:01
EDC	BIOL BEHV	06/04/2009 00:01	06/04/2009 00:01
EDC	ENG EMPIRE	07/22/2009 00:01	07/22/2009 00:01
EDC	HIST SCI 1	08/27/2009 00:01	08/27/2009 00:01
EDC	BATTLES	10/14/2009 00:01	10/14/2009 00:01
EDC	HIST SCI 2	10/29/2009 00:01	10/29/2009 00:01
EDC	BITS HIST	12/09/2009 00:01	12/09/2009 00:01
EDC	PELP WAR 1	12/31/2009 00:01	12/31/2009 00:01
EDC	UNIVERSE 1	03/03/2010 00:01	03/03/2010 00:01
EDC	PELP WAR 2	03/04/2010 00:01	03/04/2010 00:01
EDC	BOOK HIST1	05/06/2010 00:01	05/06/2010 00:01
EDC	AM WAR 1	05/26/2010 00:01	05/26/2010 00:01
EDC	BOOK HIST2	07/08/2010 00:01	07/08/2010 00:01
EDC	PASSIONS	05/25/2020 00:01	05/25/2020 00:01
EDC	FORENSIC H	10/03/2022 00:01	10/03/2022 00:01
EDC	GRAMMAR	01/02/2023 00:01	01/02/2023 00:01
EDC	AMER WEST	04/03/2023 00:01	04/03/2023 00:01
EDC	LD HALLO	10/13/2023 14:13	10/13/2023 14:13
EDC	LD MIDEAST	11/06/2023 14:27	11/06/2023 14:27

Item: Work Programs, Value: 0

General Score: 0, Violent Score: 0

Risk Item Data

No Data

78

(2)

Assessment# R-21462607

Assessment Date: 07/21/2024



Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 00855573
Team Date: 09-23-2024

Dept. of Justice / Federal Bureau of Prisons
Plan is for inmate: MOHAMED, KHALFAN KHAMIS 44623-054

Facility: FLP FLORENCE HIGH USP
Name: MOHAMED, KHALFAN KHAMIS
Register No.: 44623-054
Age: 51
Date of Birth: 07-25-1973

Proj. Rel. Date: UNKNOWN
Proj. Rel. Mthd: LIFE
DNA Status: FLM01989 / 09-10-2010

Detainers

Detaining Agency	Remarks
ICE	POSSIBLE DEPORTATION

Pending Charges

DETAINER NO.: 001
DATE LODGED: 11-29-2001
AGENCY: IMMIGRATION & CUSTOMS ENFORCE
AUTHORITY: U.S. IMMIGRATION & NATURALIZATION SERVICE
CHARGES: POSSIBLE DEPORTATION

Inmate Photo ID Status

Full status incomplete - Expiration: null

Current Work Assignments

Fac	Assignment	Description	Start
FLP	B/A UNASSG	UNIT B/A UNASSIGNED	09-27-2023

Current Education Information

Fac	Assignment	Description	Start
FLP	ESL HAS	ENGLISH PROFICIENT	02-28-2002
FLP	GED SAT	GED PROGRESS SATISFACTORY	05-13-2022
FLP	GED XN	EXEMPT GED NON-PROMOTABLE	02-28-2002

Education Courses

SubFac	Action	Description	Start	Stop
FLP		B/A GED CLASS 12:30 TO 2:30PM	09-28-2023	CURRENT
FLP STPD	C	VITAMINS A-Z: A, B12 & C	07-12-2024	07-30-2024
FLP STPD	C	CROCHET SELF STUDY	06-19-2024	07-31-2024
FLP STPD	C	HISTORY OF THE MID-EAST	11-06-2023	11-20-2023
FLP STPD	C	HISTORY OF HALLOWEEN	10-13-2023	10-26-2023
FLM	W	GED PROGRAM	05-10-2021	09-27-2023
FLM	C	THE AMERICAN WEST ACE CLASS	07-01-2023	07-01-2023
FLM	C	ACE - ENGLISH GRAMMAR	04-03-2023	04-01-2023
FLM	C	FORENSIC HISTORY ACE	01-02-2023	12-31-2022
FLM	C	THE PASSIONS :PHILOSOPHY	10-03-2022	08-15-2020
FLM	W	500 NATIONS	05-25-2020	10-12-2010
FLM	C	BOOKS THAT MADE HISTORY 2	08-18-2010	09-08-2010
FLM	C	AMERICA AT WAR - PART 1	07-08-2010	08-17-2010
FLM	C	BOOKS THAT MADE HISTORY 1	05-26-2010	07-07-2010
FLM	C	THE UNIVERSE - PART 1	05-06-2010	05-25-2010
FLM	C	PELOPONNESIAN WAR - PART 2	03-03-2010	05-05-2010
FLM	C	PELOPONNESIAN WAR - PART 1	03-04-2010	03-03-2010
FLM	C	BITS OF HISTORY	12-31-2009	03-02-2010
FLM	C	HISTORY OF SCIENCE - PART 2	12-09-2009	12-30-2009
FLM	C	BATTLES OF THE ANCIENT WORLD	10-29-2009	12-08-2009
FLM	C	HISTORY OF SCIENCE - PART 1	10-14-2009	10-28-2009
FLM	C	ENGINEERING AN EMPIRE	08-27-2009	10-13-2009
FLM	C	BIOLOGY & HUMAN BEHAVIOR	07-22-2009	08-26-2009
FLM	C	NOVA	06-04-2009	07-21-2009
FLM	C	HISTORY OF WORLD WAR II	04-29-2009	04-28-2009
FLM	C	ARCHITECTURAL WONDERS	02-18-2009	02-17-2009
FLM	C	HISTORY OF EUROPEAN ART PART 1	12-24-2008	12-17-2008
FLM	C		09-25-2008	

Sentry Data as of 09-16-2024

Individualized Needs Plan - Program Review (Inmate Copy)



Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 00855573
Team Date: 09-23-2024

Dept. of Justice / Federal Bureau of Prisons
Plan is for inmate: MOHAMED, KHALFAN KHAMIS 44623-054

SubFac	Action	Description	Start	Stop
FLM	C	AMERICAN EXPERIENCE PART 4	10-01-2008	12-23-2008
FLM	C	WAR OF 1812 & LIFE OF HITLER	07-23-2008	10-01-2008
FLM	C	AMERICAN EXPERIENCE - PART 3	04-30-2008	07-22-2008
FLM	C	THE VIKINGS - PART 2	05-01-2008	07-02-2008
FLM	C	THE VIKINGS - PART 1	02-28-2008	04-30-2008
FLM	C	TEN DAYS THAT CHANGED AMERICA	02-20-2008	04-29-2008
FLM	C	FAMOUS ROMANS	12-06-2007	02-27-2008
FLM	C	BIOG: EXPLORERS & EARLY AMERIC	11-14-2007	02-19-2008
FLM	C	FAMOUS GREEKS	09-13-2007	12-05-2007
FLM	C	A HISTORY OF IMPRESSIONISM	06-21-2007	09-12-2007
FLM	C	PHYSICS IN YOUR LIFE - PART 2	04-19-2007	06-20-2007
FLM	C	THE AMERICAN EXPERIENCE-PART 2	04-04-2007	06-26-2007
FLM	C	PHYSICS IN YOUR LIFE - PART 1	02-15-2007	04-18-2007
FLM	C	AMER. REV. + US MEXICAN WAR	01-24-2007	04-03-2007
FLM	C	NATURAL LAW & HUMAN NATURE	11-23-2006	02-14-2007
FLM	C	COSMOS	05-17-2006	08-08-2006
FLM	C	THE AMERICAS IN REVOLUTION	03-16-2006	06-01-2006
FLM	C	PARENTING 2 PROGRAM	03-13-2006	05-19-2006

Discipline History (Last 6 months)

Hearing Date Prohibited Acts

** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **

Current Care Assignments

Assignment	Description	Start
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	12-21-2004
CARE2-MH	CARE2-MENTAL HEALTH	03-02-2021

Current Medical Duty Status Assignments

Assignment	Description	Start
REG DUTY	NO MEDICAL RESTR-REGULAR DUTY	05-23-2000

Current Drug Assignments

Assignment	Description	Start
DRG I NONE	NO DRUG INTERVIEW REQUIRED	12-21-2001

FRP Payment Plan

Most Recent Payment Plan

FRP Assignment: PART FINANC RESP-PARTICIPATES Start: 11-29-2022
Inmate Decision: AGREED \$25.00 Frequency: QUARTERLY
Payments past 6 months: \$50.00 Obligation Balance: \$33,816,141.75

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$2,300.00	\$2,275.00	IMMEDIATE	EXPIRED
2	REST CV	\$33,816,561.75	\$33,816,141.75	IMMEDIATE	AGREED

Adjustments:	Date Added	Fac	Adjust Type	Reason	Amount
	09-12-2024	FLP	PAYMENT	INSIDE PMT	\$25.00
	06-12-2024	FLP	PAYMENT	INSIDE PMT	\$25.00

FRP Deposits

Trust Fund Deposits - Past 6 months: \$300.00

Payments commensurate? N

New Payment Plan: Per court order, to pay \$25.00 quarterly.

Current FSA Assignments

Assignment	Description	Start
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Sentry Data as of 09-16-2024

Individualized Needs Plan - Program Review (Inmate Copy)



Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 00855573
Team Date: 09-23-2024

Dept. of Justice / Federal Bureau of Prisons
Plan is for inmate: MOHAMED, KHALFAN KHAMIS 44623-054

Assignment	Description	Start
FTC INELIG	FTC-INELIGIBLE-REVIEWED	10-12-2020
INELIG AUT	FTC-INELIGIBLE OFF CODE - AUTO	12-17-2019
N-ANGER Y	NEED - ANGER/HOSTILITY YES	07-21-2024
N-ANTISO N	NEED - ANTISOCIAL PEERS NO	07-21-2024
N-COGN TV N	NEED - COGNITIONS NO	07-21-2024
N-DYSLEX N	NEED - DYSLEXIA NO	05-28-2021
N-EDUC Y	NEED - EDUCATION YES	07-21-2024
N-FIN PV Y	NEED - FINANCE/POVERTY YES	07-21-2024
N-FM/ PAR N	NEED - FAMILY/PARENTING NO	07-21-2024
N-M HLTH Y	NEED - MENTAL HEALTH YES	07-21-2024
N-MEDICL N	NEED - MEDICAL NO	07-21-2024
N-RLF Y	NEED - REC/LEISURE/FITNESS YES	07-21-2024
N-SUB AB N	NEED - SUBSTANCE ABUSE NO	07-21-2024
N-TRAUMA N	NEED - TRAUMA NO	07-21-2024
N-WORK Y	NEED - WORK YES	07-21-2024
R-LW	LOW RISK RECIDIVISM LEVEL	

Progress since last review.

Clear Conduct
Still enrolled in GED
Saved \$163.43
Completed Vitamins A-Z, and Crochet
No current enrollment in Anger-Mgmt (incomplete)

Next Program Review Goals

Continue GED
Enroll in 1-2 ACE Classes
Participate in next available Insomnia Program (on wait list)
Continue saving \$5-10 monthly

Long Term Goals

Complete GED by 04-2025
Complete Insomnia by 08-2025
Save \$250.00 by 08-2025
Complete 2 ACE classes by 10-2025

RRC/HC Placement

No.
Management decision - Life.
Consideration has been given for Five Factor Review (Second Chance Act):
- Facility Resources
- Offense
- Prisoner
- Court Statement
- Sentencing Commission

N/A - LIFE SENTENCE

Comments

** No notes entered **

College Guild

P. O. Box 696
Brunswick, Maine 04011

Certifies that Khalfan Mohamed
Has completed the College Guild course

Creative Language

This 28th Day of March 2023

Julie Zimmerman
Julie Zimmerman, College Guild Dean of Students

Mary Malia
Mary Malia, Executive Director

College Guild is a 501(c3) organization based in Brunswick, ME serving incarcerated.

College Guild

P. O. Box 696
Brunswick, Maine 04011

Certifies that **Khalan Mohamed**
Has completed the College Guild course
Biography

This 12th day of March 2024

Julie Zimmerman
Julie Zimmerman, College Guild Founder

Mary Malia
Mary Malia, Executive Director

College Guild is a 501c3 organization based in Brunswick, ME serving incarcerated.

19 (5)
44623
11/1/80

RESPONSE TO INMATE REQUEST FOR INFORMAL RESOLUTION (BP-8)

NAME: Mohamed, K.

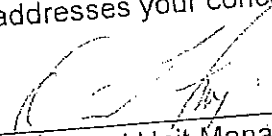
UNIT: B/A

REGISTER NUMBER: 44623-054

This is in response to your BP-8 in which you state you completed the Step-Down program and are being denied transfer from your current facility to a Challenge Program. As relief, you request to be transferred.

A review of the issue revealed you were transferred to the second phase of the Step-Down program on September 27, 2023. On December 7, 2023, you completed this phase of this phase of Step-Down and were placed in the third phase of the Step-Down program. You completed the Step-Down program, and the Unit Team submitted you for transfer; however, this request was denied by the Designation and Sentence Computation Center (DSCC) on July 15, 2024. If you maintain clear conduct and continue to program, your transfer will be reevaluated in January 2025.

I trust this addresses your concerns.



D. Lazariuk, Control Unit Manager



Date

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: SALMA KHAMIS MOHAMED
DATE: 09/02/2024 07:18:27 AM

TO: THE JUDGE
FROM : SALMA KHAMIS MOHAMED
RE: LETTER OF SUPPORT

I am Salma Mohamed Khamis, I am currently sixty years old and Khalfan Khamis Mohamed is my young brother, I want to express that my young brother was a hard working young man, he never argued nor fought with anyone, he went to school and madrasa, and was obedient to his parents, teachers and elders. Khalfan was a smart young man, with the best of manners, he loved his family very much.

Personally Khalfan was always advising me to emphasize and to be strict to my children so that they can study, he was not wealthy but he helped me by giving counsel to me regarding different matters, he respected every one young and old alike. Whenever he calls he asks regarding my health, and he asks regarding our mother who is ill and most of the time resides at my house. She is currently suffering from Alzheimer's before she had this disease whenever she spoke with Khalfan she used to cry deeply such that it even caused her blood pressure to rise. Right now she can't speak with Khalfan due to illness but sometimes memories of him come back to her and it is a sad sight seeing how she always suffer with pain reliving his arrest over and over.

Khalfan also asks regarding my children and grandchildren, he asks about their health, academic progress and career progress. When my late husband was alive he always used to ask about him also. He used to give me advice regarding my children's education, since before he was arrested, I remember him speaking to me regarding my second born son Khamis, he used to tell me, "sister lets take Khalfan to Dar es salaam so that he can get better education there", but this was not fulfilled because he was arrested before he could accomplish this. Also, whenever he heard news regarding my daughters education and that they passed from one level to another you can feel how excited he is due to the news. Indeed he loves the development of all my children and always prays for them when we speak.

My young brother Khalfan has never told me, and I have never heard him telling anyone encouraging them to do any type of evil or injustice. Khalfan has never even slightly praised or defended the actions that led to his arrest. Not only that but he never encouraged anyone to do acts of terror or things that will destabilize the safety of the society.

I really love my brother Khalfan, and I am deeply concerned about him, I wish that he can be with us in our family and we can cooperate together in hardships and happiness, and all other matters as a family. And I really wish that he can be here so that he can spend the remaining days with our mother.

I offer my unwavering support to him in the event of his release, together with all my children we are ready to support him in every possible way. And we will include him in all our family matters. We will help him find a job and means to start his own family. We will help him find a good wife so that he can have his own children, because he greatly wishes to have his own children. We will welcome him with tremendous joy and our hearts will be filled with happiness by his presence, we believe he will greatly contribute to all matters that can strengthen our family and help our family in general.

We are ready to help our young brother Khalfan, we will help him financially and we will treat him if he has any medical condition, We love him and always miss him. We wish that he is forgiven and set free, we are afraid and we don't like for him die in prison. We plead to the judge to forgive him and release him so that he can start his life.

Please Honorable judge, I urge you and beg you to give my young brother a second chance, so that he can come and start life and that he can come and see his mom in her final days. And so that hopefully my mothers health can be better.

I thank the Honorable judge for taking time in his busy schedule to read my letter, and I hope you will consider my petition for his compassionate release.

SALMA KHAMIS MOHAMED

Amari Mohamed Khamis
Signed: Salma Khamis Mohamed

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: ASHA SAID KHALIFA
DATE: 09/02/2024 07:18:31 AM

TO: THE JUDGE
FROM: ASHA KHALIFA
RE: LETTER OF SUPPORT

My name is Asha Khalifa, I am the daughter of Salma Khamis Mohamed, Mr. Khamis is my beloved uncle. Currently I am thirty seven years old. I was already born before his arrest and I have many memories of him.

My uncle Khalfan he is a very exceptional person because he cares for his family and people and all those who surrounded him, and he is a god fearing person.

His absence in our lives, makes us always miss him and remember him, he used to care about us and to love us. At least now we can speak with him on the phone, and whenever we speak he asks about my health, he ask how I am?, and how is the family in general?. I am married, hence whenever I speak with him he asks about my husband, and my mother in law and he always asks me to send his regards and greetings to them.

I have not heard my uncle Khalfan telling me anything regarding terrorism and destroying public safety. I really need his presence because he is among our parents, and also our Uncle needs to be able to come and live however small the remaining part of his life. He needs to come and meet his sick mom, and maybe tend to her before she passes away. Uncle Khalfan is broken hearted and loses hope sometime whenever he hears about things that happen here, he was especially affected when he heard that his twin (Fatma Khamis) had a stroke and died. He never got to say his goodbye, he never got to see her one last time, he never got to hold her again.

I can say that I really respect and love my Uncle Khalfan as I did love my own father, I really wish that he can one day be a free man, and we will get many benefits by his presence.

I plead to you dear judge to give my uncle a second chance, so that he can restart his life as a different man, a better man, so that he can come, find a partner, get married and have children of his own. And most importantly so that he can hold his mom again in his hands before her time on this earth is over.

Yours sincerely
Asha Said Khalifa

Amari Mohamed Khamis
Signed: Asha Said Khalifa

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: HIDAYA SAID KHALIFA
DATE: 09/02/2024 07:18:30 AM

TO: THE JUDGE
FROM: HIDAYA SAID KHALIFA
RE: LETTER OF SUPPORT

My name is Hidayah said Khalifa, I am Khalfan Khamis niece, my mother is his elder sister. I was already born born during the time of his arrest and I have memories of my uncle, he loved and cared for me very much.

He is a good person, whenever we speaks he is concerned regarding me and my health, the health and well being of my siblings, children, husband and my in laws. I can confidently say that he played a fathers role during his presence here in Zanzibar. He used to play with me, teach me how to read and bring me gifts whenever he visited.

When ever I speak with him, he always encourages me to give great importance on education, and to love and respect other members of the family. And he even reminds me of religeous matters such as praying, fasting and giving in charity and volunteering in good non violent courses..

My uncle gets depressed due to the hardships both psychologically and physically that he is going through while he is there in prison. He suffered an even greater blow when he heard regarding the death of his sister and twin Fatma Khamis Mohammed. He was deeply saddened because he couldn't even see her one last time, hence, I urge that he is released, I believe he conducts himself well in prison, atleast his goodconduct among other things can be considered for his release.

I love my uncle very much and respect him, and I know that he feels the same way about me and my siblings, relatives and family. And when he is released we will welcome him with open hearts full of joy and saddness. As I am a mother, I have acquired happiness through my childrens and family, I wish the same that if he is freed, he can also find his own happiness by starting his own family. And also he can get to have the chance that he missed with his twin, by being there for his mother in her remaining days. And he can get to watch his many grand children from our children and those that he will have on his own grow up. We are all willing to support him financially and take care of his health as one of us. And he will be taken care of and surrounded with a friendly and loving environment.

I plead to the judge and the justice system of the united stated of america to forgive my uncle and let him be free, to give him a second chanceso that he can be with his family and especially his mother. And so that he can be an ambassador for peace and tolerance once he is freed.

Thank you, your honor, for taking time to read this letter, and I hope that you will consider my plea fo rmy uncle and the plea of my family.

Yours faithfully
Hidaya said Khalifa

Amari Mohamed Khamis
Signed: Hidayah said Khalifa

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: HAMIDA SAID KHALIFA
DATE: 09/02/2024 07:18:32 AM

TO: THE HONORABLE JUDGE
FROM: HAMIDA SAID KHALIFA

RE: SUPPORTING LETTER

Mr. Khalfan Khamis Mohamed is my uncle, He is a very important person to us, he is like a father in our family.. At the time of his arrest I was just seven years old, he was and currently he still is a very important person to us. I remember him as a person who loves us and we relied on him in many sectors. I remember him because I physically interacted with him and I had many interesting and fun memories of him.

He was a polite man, honest and an active person my family, he was very nice and close to me. He always asks regarding my health, although I know longer study, I am now married, I always seek advice from him regarding my problems. And also I share my successes with him.

My uncle Khalfan, when I speak with him most of the time, he says to me that he doesn't do bad things and asks god to make him patient. And it never happened when I speak with him that he praised someone who is a terrorist or likes violence and also he never convince anyone to succumb to such temptations of violence and terror.

We will be so glad to see him come back again to our family and every day we pray for him. Our family will be in a very good situation when we go to pick him up. Also our souls will be calmed and we will finally be at peace by his presence, we will not be worried all the time about what can happen to him in prison.

We all love and respect him too much due to his good behaviour, kindness and cooperation in our family, infact he is like a biological father to me, we all love him and do not like the actions that made him to be arrested.

Yours sincerely

Hamida Said Khalifa

Amari Mohamed Khamis
Signed: Hamida Said Khalifa

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: MUHAMED KHAMIS MUHAMED
DATE: 09/02/2024 07:18:29 AM

TO: THE JUDGE
FROM: MUHAMED KHAMIS MUHAMED
RE: LETTER OF SUPPORT FOR KHALFAN KHAMIS MUHAMED

Khalfan Muhamed Khamis is my blood brother, from both mother and father, to him I am a brother, but since I was the eldest when our father died, I had to be as a father to him. He was always behaving well, respectful and shy person who loved everybody young and old alike.

In my absence Khalfan helped me to take care of my family, he treated and respected them as his own family. He has always been a great teacher to my family, he always gives advice to me and my family, he always gets extremely worried whenever he hears news of burial (death) or any calamity which afflict any family members.

In general Khalfan likes to see people develop, he likes to see that the children are getting appropriate education and upbringing, in terms of secular and religious knowledge according to the curriculums set by the Tanzanian government. To show the extent of his thirst for development for everyone in the family, especially the development of the children in education, he has emphasized to me for a very long time and encouraged me to place great care in education. This is evident in the outcomes that my three children achieved, Sumayya, usama and ammar, as follows

1. Sumayyah has studied from the top university in teaching education studies, known as Dar es salaam university college of education(DUCE), and she is now a teacher
2. Usama has graduated from the Institute of Finance and Management (IFM) and is now an account in amsons group of companies a large business conglomerate
3. Ammar has graduated from China Pharmaceutical university (CPU), the second best pharmacy university in China and is now a pharmacist.

The above three are just few of the outcomes of his influence, there are many other in different family members.

On another hand, Khalfan is always saddened by his condition of being convicted for a very long time, almost a quarter century and he regrets what has made him convicted, and he dislikes hearing matters of violence and hates those who encourage violence and terrorism..

To us Khalfan is a beloved brother and uncle to our children, we love him whole heartedly. We all hate and condemn all who led for Khalfan to be convicted, we condemn all of it and we are far from it. I would also like to take this chance to ask forgiveness for what my brother is alleged to have done, and I ask forgiveness to all those who were afflicted by the events led to his arrest.

I plead to the judge, with all my heart, to please consider my request for his compassionate release, also to consider the time that he has spent in prison, and all the hardships and harm that he has suffered through his incarceration by being attacked and injured several times, to consider releasing him.

We are very much wishing for the day that Khalfan will be among us again, Our happiness will be of no measure, because we have not seen our brother for a very long time. Many in the family do not know him well for who he is, because they were when he was arrested and some of them were not even born. Khalfan's mother(my mother) has suffered a great deal of sadness, it went on to cause her to get many health problems due to the sadness she gets when she misses her child. I due to our mothers old age it will really help for them to atleast meet once more before she passes.

As a brother and as the one who played the role of a father to him, I am ready to assist him in every possible way to have a great and peaceful life in the event of his release. I am ready to provide him with financial, emotional and health And he will never be a burden rather he will be a blessing and a miracle from god.

I am grateful to the judge for taking time to read this letter, I hope it can add value and that my support and petition for the compassionate release of Khalfan Khamis Muhamed will be taken into consideration.

Muhamed Khamis Muhamed

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TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

Amari Mohamed Khamis
Signed: Muhamed Khamis Muhamed

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: SUMAYYA MUHAMED KHAMIS
DATE: 09/02/2024 07:18:23 AM

TO : THE JUDGE
FROM: SUMAYYA. M. KHAMIS
RE: LETTER OF SUPPORT

I am the daughter of Mohamed Khamis the eldest brother of Khalfan Khamis Mohamed, I am thirty one years old. I am connected to uncle Khalfan since from birth, he was there and he was the one who named me and my two younger brothers (usama and Ammar). He played a father role through out my life, and both my parents gave him the respect of naming their children. I remember him to be an active person and he was never lazy, he even used to help out with home chores. He was not an illiterate person, he always busied himself with studying and learning.

Uncle khalfan, was and still is a very important person to us, because he has never stopped playing his role as a father, and we accept him as such full heatedly, he is the father that we never got to be with. I still have memories of him teaching me gymnastics and inspiring me to be active, keep fit and stay healthy, Indeed I became the best in gymnastics in my childhood, and until now after having four children, and having another on the way, I exercise and value my health. When he was arrested I was five years old, it was a very hard and tough time for me and my young brother Usama, since our guardian was taken away. And it was even more painful to my mother because she lost the person who supported her most during my fathers absence. He treated her as her own biological sister. Among his great attributes, Uncle was beloved by everyone including neighbours and family friends. He always helped everyone regardless of religion or ethnicity. His conviction affected everyone around him, and all of us could not believe that he was really convicted.

All thanks to the american government and justice system for allowing him to communicate with us, we received and replied letters from uncle, our mother helped us to answer them, and he helped us to understand him better. In his letters, he insisted on us to respect people, to love and sympathize everyone, he encouraged us to study hard and to attain success. He's not only an uncle but also he is a counsellor to all of us, personally he always counselled me to protect my self and my dignity, so as I could reach my goals and also get a descent husband, thanks to god I got married to a wonderful man. And even now he counsellors me regarding the upbringing of my children, and how to to care of my family, and balance work life and family life. Not just that but he is also concerned about extended family members, friends and neighbours, he tries to protect and support us even though he is far away. Now days we are allowed to communicate through mobile phone, he asks about everyone even old friends whom we might have forgotten. He is a people person and always like to see or hear about development in the society.

When he calls he speaks with my husband, he asks him about many issues such as work and career development, challenges in the family, and my husband really enjoys talking with him. Uncle loves and cares about everyone, and he never had and still doesn't have any speck of discrimination. He always speak with my children (Aisha, Suleiman and muhamed) his grand children, all my kids know him through phone calls, and recently they were extremely excited when I showed them the recent photos of their grand father, I can't imagine their happiness when they get to see him face to face, dear judge please we ask you to consider his release.

A vivid example of his care and love to the family, is that whenever he hears that a family member is sick, he will always make follow up phone calls asking about the persons health and development. And when he hears about a person who is pregnant, he always asks until he hears the birth of the child. Dear judge, we don't want to lose this very important person to us. He has been in solitary confinement for years and still his behaviour towards us has been the best and he never lashed on us or shouted to any of us. Its amazing how the roles are reversed, although he is alone and he is sentenced to life in prison, he is the one who we depend on support and advice. We highly respect him and admire this character.

Uncle Khalfan, has a huge influence in our schooling and success, he is the one that inspired me to become a teacher, a job that I love and enjoy. Even now he is highly concerned and asks me regarding his grandchildren school development, and suggest ways to help them get better. In all my conversations with him he never mentioned the source for his conviction, I see regret and remorse in some of the conversations we have with him. If he has done mistakes in the past, I am sure that he has learned his lesson, and he is much older now and wiser, I believe if given a second chance he will never repeat, or even commit another mistake. Please dear judge consider his release. He has never ever suggested any acts of violence or acts that will endanger public security.

I always imagine, dream and yearn for his release, and to be able to live with him again , we all wish that one day we can get a chance to be with him. As I have expressed before he is a father to us, his like a missing organ in our body without him we

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incomplete. I do not support any actions that led to his conviction, but I have always and will always maintain a positive attitude about him.

I am ready to help him and give him financial, medical and emotional support, my Uncle khalfan will not live alone we will live with him, help him find a job. Please your Honor consider releasing him, give him a second chance, let him use his positive potential to help our family and society. Please, we have recently lost his twin sister, please don't let him miss the opportunity to be with his remaining siblings and children, and please . don't...let him die in jail. Please give him a chance to come and start a family of his own.

Thank you for taking your time to read this letter, and I hope you will take my letter into consideration, and I am willing to provide any further support whenever needed. Thank you and may god bless you.

Sumayya Mohamed Khamis

28th June 2024

Amari Mohamed Khamis

Signed: Sumayya Mohamed Khamis

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: RAHMA AHMED KHAMIS
DATE: 09/02/2024 07:18:26 AM

TO: THE JUDGE
FROM: RAHMA AHMED KHAMIS
RE: LETTER OF SUPPORT

I am Rahma Ahmed Khamis, I am one among the sister in laws to Khalfan, and I am married to his brother Mohamed Khamis Mohamed, I have lived with Khalfan, since my marriage to his brother in 1993 until when he was arrested, he used to assist me at home with important necessities, and I also used to help him with his important necessities at home, we lived like biological brother and a sister.

I know him well, since we lived in one house, I highly respected him and he also respected me, Mr. Khalfan was a very generous and respectful man to people of all ages, young and small. He loved volunteering to assist people, such that whenever he saw a person in need of help, he offered his help even without being asked to do so.

Personally together with my children whom I gave birth to at the time we suffered a great loss after his arrest, we miss him endlessly and whenever we remember the sweet memories and hardships that we went through together, the pain intensifies more and more. Khalfan always gave sound advice and has shown deep interest in the wellbeing of my children, since before his arrest until now. He was a great help and a rope that held us together. And we plead to the honorable judge that he considers releasing him.

We missed him a lot at first, especially when we were unable to contact him, one of the things that shows his love and care to the family, is his endless efforts in fighting for permission to stay incontact with us through letters and later through phone calls, indeed he did all the efforts to make this possible, he exhausted all his resources and used all his will to be able to stay incontact with us, and I know he did this becausee he needed to lessen our pain, although he never told me so and from how I know him he will never mentions it to me due to his humility.

In his contact and correspondence with us he has never been selfish or discriminating, not only he asks about my children, but also he always asks about my family (my sisters and brothers and mother) , he asks who is ill, who died and who is born, who is married and who is divorced, and always prays for the welfare of the family. And he has never encouraged nor praised the events that has led to his arrest. When he speaks with my children he guides and advises them to use their time wisely, do what is beneficial, help the community and most importantly to have fun and to choose a job that they will enjoy while benefiting the community.

My first three children, have largely been influenced by his advise, and all of them have graduated and are working as a teacher, a pharmacist and an accountant, its all thanks to his guidance because me and my husband we are not well educated And for the remaining children they are still discussing their academic affairs lengthly with him.

Khalfan's arrest has affected deeply the whole family, especially my mother in law(khalfan's mother) has suffered the most, from the time of his arrest, her health has detriorated greatly day by day, due to the absence of her son. Khalfan had a twin sister, her name was Fatma Khamis, she died a year and a half ago, her death together with Khalfan's arrest made her health conditions worsen, and now she is sick and bed ridden. Please honorable judge, consider this when taking into consideration the compassionate release of Khalfan. As a parent of seven children, I understand greatly a mothers pain yearning for their children, it is indeed great.

Personally, together with other family members we are not happy, nor do we praise the actions that led to Khalfan's arrest, we were greatly shocked by the news that he was suspected to be responsible in a way in the events that occurred. From understanding we believe that if he really did participate he was brainwashed by extremist groups, because in the islamic religion we are prohibited from taking innocent lives, we ask for forgiveness on his behalf and ask for the forgiveness from whose relatives were affected by the incident that occurred. And we all know that our reative Khalfan deeply regrets this and deeply wishes to be with his familiy. We plead to the judge to consider his compassionate release, and believe that he will do the same mistakes again.

We express our thanks the american government, the judges and the lawyers and other government officers, because all he is imprisoned we can still speak and communicate with him and we know that in a way he is safe. And we believe that the time that he has served please considre his compassionate release..

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His return will bring tremendous joy and happiness to all of us, it will open a chapter that could not be opened between the family members and him. It will strengthen our bond, and it will be a lesson to anyone else not to waste and disregard the blessing of freedom, and that we will all cherish and enjoy the freedom we have. Most importantly his mother will be able to see him again, and maybe spend her last remaining years with him.

Rahma Ahmed Khamis

Amari Mohamed Khamis
Signed: Rahma Ahmed Khamis

To: The Honorable Judge
From: Usama Mohamed Khamis,
P. O. Box
Dar es salaam, Tanzania,
20/06/2024.

RE: Letter of Support

Dear Judge

I hope this letter finds you well. My name is Usama Mohamed Khamis an elder son of Mr. Mohamed Khalfan's brother, and I am writing to you with a heartfelt plea regarding my uncle, Mr. Mohamed Khalfan Khamis, inmate number 44623054, who has been incarcerated since I was a toddler. Now, at 28 years old, I feel compelled to speak about the profound impact my uncle has had on my life and the lives of our family members.

My earliest memories of my uncle are filled with joy and warmth. He used to lift me onto his shoulders and shower me with gifts, creating cherished moments that I still hold dear. Despite his imprisonment, he has never wavered in his love, support, and guidance for us. He has been a pillar of strength, offering emotional support and caring for us with unwavering dedication. His presence, even from behind bars, has shaped my values and provided me with a moral compass to navigate life's challenges.

Growing up without his physical presence has been difficult, yet he has remained a constant source of wisdom and encouragement through his letters and occasional phone calls. His words have been a source of comfort during tough times and a reminder of the importance of resilience and hope.

My uncle has consistently shown himself to be a caring, respectful, and supportive individual. He has always prioritized the well-being of everyone not only his family members. He regularly asks about the health and happiness of my siblings, nieces, nephews, and even his childhood friends. I remember vividly how delighted he was to learn that his childhood friend had married and had grown-up children of their own.

It is important to emphasize that my uncle has never sought to justify or glorify the actions that led to his incarceration. In fact, we have never discussed those events, and he has always emphasized the importance of good deeds and abiding by the law, advocating strongly against violence. While I do not condone the actions that led to his conviction, I am certain that he has undergone profound personal growth during his time in prison.

Additionally we can't ignore the fact that he has also faced severe injustices during his time in custody, including physical assaults by police officers on multiple occasions. These incidents have not only violated his rights but have also endangered his physical well-being. Such actions by law enforcement officials are in clear contravention of established laws designed to protect individuals in custody.

According to the United States Constitution, specifically under the Fourth Amendment, all individuals are entitled to be free from unreasonable searches and seizures. Additionally, the Eighth Amendment prohibits cruel and unusual punishment, which includes physical abuse or assaults by law enforcement officers.

It is deeply concerning to our family that despite these protections, my uncle has been subjected to repeated assaults while in custody. These incidents not only undermine his physical health but also erode his trust in the justice system.

His return to our family would mean everything to us, particularly to his mother, who is currently in declining health. She has continually expressed her longing to see him again and often reminisces about the cherished memories they shared. The prospect of his return fills us all with hope and happiness.

I urge Your Honor to consider these circumstances as you review his case for possible release. My uncle is not a threat to society; rather, he is a beloved member of our family who has been unjustly treated. His release would allow him to seek the necessary medical attention and recover from the trauma he has endured.

Personally, I am prepared to offer my uncle all necessary support upon his release. As an accountant with my own home, I am financially stable and willing to provide him with a place to stay, as well as assistance with any medical needs he may have.

I firmly believe that my uncle has transformed into a profoundly different person during his incarceration. He has shown remorse and a sincere desire to make positive contributions to society. He deserves a second chance to lead a fulfilling life.

I appreciate your attention to this matter and trust that you will consider the facts and circumstances surrounding my uncle's case with the utmost fairness and compassion. Should you require any further information or documentation to support this request, please do not hesitate to contact me at +255658695339 or usamalsharjy@gmail.com.

Thank you for your time and consideration.

Sincerely,



Usama Mohamed Khamis

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: AMARI MOHAMED KHAMIS
DATE: 09/02/2024 07:18:22 AM

TO THE : JUDGE
FROM: AMMAR MOHAMED KHAMIS
RE: LETTER OF SUPPORT

I am Ammar Mohamed Khamis, the son of Mr. Khamis brother, this year I turned 26 years old, I have lived with my Uncle Khalfan Khamis for the first two years of my life, but I have no physical memory of him, since by the time of his incarceration I was just two years of age. Nevertheless my parents used to tell me about him. He took care of me since before I was born, because my father migrated to another country in search of work. Among the unforgettable things that my mom told me is that he was the one who helped her attending hospital maternity clinic, he took her to the hospital when it was time for my delivery. Attend hospital every day during the two weeks which I was kept at the hospital due to illness. Due to his expression of great assistance, care and love my father decided to let him choose a name for me. And the same happened for the names of my elder sister and brother. This shows his critical position in the family.

There is a close and extremely friendly relationship between me and Uncle Khalfan, I really appreciate and admire the fact that he always keeps in touch with me, whenever we speak either through email or phone calls he asks about my health, academic progress and career progress. Infact he is the one who inspired me to enter the health sciences, whenever he spoke with me or my parents he intuled me on the importance of serving the community, its benefits and the personal satisfaction that a one can get by being a health care worker. He was actively involved in my marriage, advised me in many important things whenever we spoke I brainstormed with him on relationship advice, I am comfortable to speak with him things that I couldn't speak even with my dad. He has a very good relationship with my wife and he always asks regarding her welfare and health whenever he calls me, and he speaks with her regularly. One of the special thing that I like is the way he makes her laugh with his funny jokes whenever they speak. He only gets limited chances to make phone calls, so whenever he hears that I am sick or any of my family members are sick, he makes effort to call us as soon as possible to follow up on our conditions.

In islam we believe that the name a person chooses for a child can impact their lives, since just after birth, my uncle has placed great care in selecting names for his nieces and nephews, for example my name is Ammar, my sister is sumayyah, and my brother is Usamah. The people behind these names are brave peoples such as Ammar and sumayyah their family where among the first to accept islam, Sumayyah was the first woman to die for her belief (not in an extremist way rather she was oppressed by the Quraishi). The arabic meaning of the name Ammar means a builder, it inspired me in a way to grow up wanting to make things better and to create peace and harmony and development in my family and society. Furthermore, his inspirations on me to persue the health sciences led me to study and enter the field of pharmaceutics and pharmaceutical research, I am now an intern pharmacist and soon to be registered pharmacist in Tanzania. My sister and brother were both also inspired by him and now my sister is a passionate teacher and my brother is a successful competent accountant.

One of the things I really appreciate about my uncle is his insistance on me to be patient and hardworking. He has never even once praised or in any way show any admiration regarding the actions that led for his incarceration nor any form of violence for that matter. Even his speech is soft and warm. The best thing that he does is his display for positivity, although he is imprisoned and going through a tough time in prison, he only makes us smile and shows care and love to us. Although sometimes he might sound sad, but never has he took out his anger on us by shouting or any such irrational behaviour. The most I hear in his conversation with him is his emphasis to use the chances and opportunities that we have positively and efficiently and never let us do anything that will cause us to regret.

Its not easy to express my love and affection for my uncle, but in simple words, I love him as a son, loves his uncle, I highly respect him, and I don't judge him for what he is allegedly accused to have done in the past, rather I believe he is a nice person and deserves a chance to be a productive member of the community.. I declare that I only love him as an uncle and a close friend, and I am against the actions that led to his arrest or any acts of violence. As a muslim I believe its unlawful to hurt innocent lives and to go against the ruler and those to whom power has been entrusted in the community. And I practice the words of the prophet which say " invite(with calmness, facts and tolerance) and do not disperse people(with violence and harshness) , simplify matters and do not make them complex"

Just the ability to speak with him brings us joy and happiness, but still it saddens our hearts that for the past quarter century I was not able to attend our weddings, our childrens birthdays, and spend holidays with us together. Its even heavier in our hearts when he is not able to attend his sisters funerals and other family members burial ceremonies. With this indeed it will be a great joy that even though we missed these moments with us, if he is released we can spend and create many new memories

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

and also he will be able to raise his grandchildren and be with us in future happy and sad moments. And most importantly he can start a family of his own, and get an opportunity to do things right and redeem himself.

I can say with confidence that upon his release we are willing and ready to support him in every possible way such as financially and emotionally. We are financially stable enough to support him by providing housing and all necessary resources required for his positive integration into the society in the most positive way possible.. He will never be a burden to us, rather his return will be a blessing to us.

I want to express my thanks and gratitude to the honorable judge for taking time to go through my letter and I hope that it will be taken into consideration in my Uncle Khalfan's case.

Sincerely,
Amari Mohamed Khamis

81111 1

Signed: Amari Mohamed Khamis

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: I..... KHAMIS
DATE: 09/02/2024 07:18:28 AM

TO: THE JUDGE
FROM: I..... KHAMIS
RE: LETTER OF SUPPORT TO MY UNCLE

I am the daughter of the brother of Khalfan Khamis , I am twelve years old

I know Khalfan khamis by hearing his voice on the phone, and from what I know Khalfan is a good person, he is caring, loving and respectful. He is pious to his religion and believes and fears his lord.

When he was arrested I was not yet born, We will be very happy to see our uncle again with our own two eyes, and both my parents have told me his history.

Although he is far away , yet he always advises us well in our studies and our lives in general. When he is freed we will love to see him, and we regard him with same respect that we regard our father and mother, and as a relative of the family, and we will let him continue with his activities in his home country.

I Khamis

Amari Mohamed Khamis
Signed: I Khamis

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: ED KHAMIS
DATE: 09/02/2024 07:18:26 AM

TO: THE JUDGE
FROM: R KHAMIS
RE: LETTER OF SUPPORT

My name is [redacted] and I am the third daughter of the eldest brother of Khalfan. I am currently eleven years old. I know Khalfan by speaking with him on the phone, by hearing his voice and seeing his pictures. Also, my parents have narrated to me regarding him, when he was arrested I was not yet born. He is a good person, and he is very important to me, because whenever he calls, he asks about us and regarding our school studies and religious studies, and whenever he calls he always asks about us.

He is very important in the family because he has never ordered me or advised me to do something bad, and he just wishes us well.

We love him, we respect him and we really wish to be with him.

[redacted] ed Khamis
Amari Mohamed Khamis
Signed: [redacted] mmed Khamis

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: AZZA HILAL
DATE: 09/02/2024 07:18:31 AM

TO: THE HONORABLE JUDGE
FROM: AZZA HILAL MOHAMMED
DAR ES SALAAM
TANZANIA

RE: LETTER OF SUPPORT

Dear judge,

I hope this letter will find you well. I am the wife of the brother of Khalfan Khamis Mohamed, and also I am his cousin, our grandmother and his father shared the same father.

During the time of his arrest I was nine years old, and I was not yet married to his brother. But my husband Nassor Khamis Mohamed who is the brother of Mr. Khamis informed me that he was a polite, caring to his family and merciful person. He was hard working and he lived well with all the neighbours, When they were working together in their shop, he explained that Khalfan had an amazing customer service, he adored the way he was warm and welcoming.

Now I know him more through the frequent calls that we have whenever he gets a chance, he asks me regarding my childrens health and my health also. He asks about the childrens development in school, and he always insists me to raise the children upon good manners so that they grow up with the best manners. Not only that he even asks about my mom, sisters, brothers and their inlaws for the ones that he knew them before being imprisoned. He asks about all of them regarding their health and the developments in their lives and their childrens lives.

He is a very polite and merciful person who cares about other peoples lives, in our conversation he has never informed me about any violence acts or even try to convince me to do any harmful acts. I adore and love him as a brother because he shows me and my family great respect and he maintains ties with us, something most people fail, even some children cut ties with their parents and relatives, but Khalfan doesn't give up on family, and I will not give up on him.

When he returns I will be very happy but my children will be happier than me, because they have not seen him except on photos, and they adore and love him. Khalfan will be able to rejoin the family and he will be able to meet his mother again, whom has suffered from missing him for a very long time.

I hope that the honorable judge will consider my statement and take it in consideration in my brother in laws case

Yours Sincerely

Azza Hilal Mohamed

Amari Mohamed Khamis
Signed: Azza Hilal

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054 KHAMIS
SUBJECT: \\\
DATE: 09/02/2024 07:18:25 AM

TO: THE HONORABLE JUDGE
FROM: \\\
RE: LETTER OF SUPPORT

I hope this letter finds you well, my name is brother. I am thirteen years old.

hamis, an eldest daughter of Mr. Nassor Khamis, Khalfan Khamis's

I never seen my uncle, I was not born yet. But always I talk with him, for what I can describe, he is a good man, he always makes sure he is talking with us, he never misses a month without talking with his family at home. He is cooperate with me ideas how life is going in order to make sure our dreams come true, and he is also respectful man and he knows that I love him so much.

I always pray for him, my dream and his dream is that one day we shall meet together . I wish that he is released so that he can come home with physical presence

Yours sincerely
Y nis.

Amari Mohamed Khamis
Signed:

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar

TO: 44623054

SUBJECT: F

DATE: 09/02/2024 07:18:28 AM

TO: THE HONORABLE JUDGE

FROM: R KHAMIS

RE: LETTER OF SUPPORT

I hope this letter will find you well, my name is brother of Khalfan Khamis,

r Khamis, I am the second daughter of Mr. Nassor Khamis the

I am eleven years old, I have never seen my uncle before, I was not yet born. I am often talking to him on the cellphone, he is asking me how is my health and my siblings too. He is always asking me to study hard for my future, I am not that happy because we only talking to him on the cellphone, also he had sent us his pictures before. I felt sorry for him.

I am describing him as a good respectful person, he loves us but not only us, I have heard my parents say that when he was in Zanzibar he loved kids a lot. Its very hard living without his presence, I wish that one day he is released so that he can be physically present at home.

He is a very kind person, I love him as my uncle, he always shares ideas on how life is, when he comes back I will be glad for his presence.

Yours sincerely

Amari Mohamed Khamis

Signed:

his

To The Judge

From Rubea Mohammed

Re: Letter of Support

My name is Rubea Mohammed. I am the brother of Khalfan Mohammed. I am Tanzanian aged about 52 years old.

I honestly speak about my blood brother, Khalfan Mohammed. I lived with him for 26 years. He was a kind bother to me. He supported me economically, social, physically and psychologically. He involved in small scale trade such as selling food stuffs and hard wares. He was peacefully, loyalty and assertive.

He never gets married but he wishes to live with his relatives. He is only my brother that I need to support my family. I have five children that are his nephews and nieces. For the time being, I have lost confidence and hope because I don't have my brother who will stand as leader of the family.

I knew my brother as a man who dislikes trouble in his life. When I talk to him he repeats several times that it was bad luck for him to be abided with criminal case. He disliked evils and violence to any one at any place.

Through his talking, he did not support criminal events or praising to be in jail. He told me that, he won't involve in any misconduct or hungry mobs. Although he feels worries with jailing condition, he is still optimistic that there is a day he will get forgiveness. Therefore, he wants me to stay away from trouble or violent engagement.

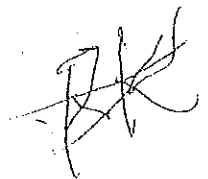
Kindly, if there will be returning of my brother, the whole family restores its happiness and achievements as he is an asset for the welfare of the family. I need his support to care the family

As his brother, I will ensure that my brother gets basic needs such as food, housing, health care and job to start new life and form family.

Please be considered with my concern

Thanks Judge for reading my letter of support.

RUBEA KHAMIS Mohomed



TO THE JUDGE

FROM AMINA RAMADHAN

RE: LETTER OF SUPPORT

My name is Amina Ramadhan. I am the sister's in law of Khalfan Mohammed. I am 43 years old. I was born on [redacted] hzibar.

I would like to talk about my brother in law. Before being prosecuted, he lived with me and his brother. He was not problematic person. Myself I did not have any quarrel with him. He was charming and good looking. He was cooperative, self-determinant and well committed. He helped financially to solve my economic and social challenges like food, shelter and education. He was not only a good friend but also good advisor to me.

He planned to have a good family with educated children. He loved his family members. He is now convincing my sons and daughters to study science subjects to attain good salary jobs and religious knowledge so as to live peacefully with others. He also obeyed people regardless their age, sex, ethnics and religion.

My brother in law was a good friend to me and treated me like his sibling. Before, he was sentenced to jail; I never heard bad news involving crime on him. When I talked to him he did not even say a word which is associated offensive commitment or feeling happy with violent practices. He advocates equality, justice, peace and cooperation to his friends. He was escaping criminal events.

I always remember him for his charming, faithful and humanity. My children face education, moral and economic challenges due to absence of their uncle. I wish he could return to us so as to get stable family and coaching role to my kids. His return to my family will solve the critical challenges like ill healthy to my husband to distress from losing his young brother.

I promise that in collaboration with my husband, daughter and sons, we will provide reliable support in term of finance, housing, food, job and medical care. He is very important to make our healthy family.

Please Judge, be considered with my concern

Thanks for reading my letter of support.

Yours sincerely.

AMINA SALUM RAMADHAN

TO THE JUDGE
FROM YUNUS KHAMIS
RE: LETTER OF SUPPORT

I am Yunus Khamis, the Khalfan Mohammed's nephew. My nationality is Tanzanian and I am 26 years old.

I am pleased to say that Mohammed is my uncle whom I have never seen but I only talk to him and see his picture. My uncle is honestly good person and cooperative. Before he was imprisoned, my father told me that he liked to play with his friends. He was very kind man and worked hard to find education. He taught children on moral issues. He involved in small scale trade to help his family. He is unmarried but he insists us to be obedient and studying hard so as to build good future.

When I talk to my uncle, he wants me to not to involve in any offence and behave in good manner. He encourages me to not to disappoint in my education. He wishes to live with his family so as to support in his brothers, sisters, nephews and nieces. He wishes to marry and makes family. He still loves his family and gives advice on how to live with respect to all people.

It is his advice that enabled me to study hard and completing my secondary education. Before being jailed he was much socialized and humanity. He gave our family a respect as he involved in trade activities that expanded the income of our family. He provided financial support to my father that helped to go to school.

In his talking, my uncle always refuses any form of violence and discrimination. He has been warning me not to support any criminal events or thugs since it may threaten my life. He is unhappy with position he is and condemns the situation that made him to be jailed. He rejects that he does not join hands any terrorist movement.

However, I love my uncle very much because he was strived against poverty, ignorance and laziness, I don't support those things that led him to go jail. He is now wants to establish new life. He wishes to change his bad past story into achievement and marry wife to have children.

Returning of Khalfan to the family will change life pattern of the family. Brothers, sisters, nephews and nieces will be very happy and act in good behaviors as we have learned from the experience.

YUNUS KUBBA KHAMIS



When my uncle return home, I and my father will be grant him social, economic and psychological support including giving him fund for trade, shelter, cloth, food, health care and wife to start new life when they are necessary.

Please Judge! Be considered with my letter of support. Thanks for reading and regarding my concern.

TO THE JUDGE

FROM KHAMISS

RE: LETTER OF SUPPORT

My name , the Khalfan's niece aged about 13 years old. I

I would like to inform you about my uncle Khalfan Mohammed. My father told me that, before his conviction my uncle was educated, he influenced his people in education. He struggled to improve his trade activities and provided financial aids to his brothers and sisters. Myself I have been talking to him through phone. He convinced me to study hard as education is the key of life.

My uncle is great mobilizer to my studies. He often wants me to seek for education and not having early marriage. He loves his kinsmen including his brothers, sisters, nieces and nephews. He wants me to look for education so as fight against poverty and gender based abuses. He said that he wished he could be with me so to educate me in a right way. He makes me competent to compete with other students as he has been promised me good things from my effort.

My uncle was against criminal events, even when I talk to him he wants me to prevent myself from violence and being sexually abused. I wish I could be with him; I will be academically and socially grown up. He wants me to obey the adults including my teachers, parents and brothers and sisters.

My uncle return is a step forward for my academic and economic development. He will bring positive effects in my entire life. All people in the family will get relief of long time sadness. I wish to live with my uncle.

His return to home after decades, we are ready to give him all his necessities like social services, economic facilities and counseling to recover his life.

Thanks.

Yours faithful

 Khamiss

MUSaiba Rubeya KHAMISSI

TO THE JUDGE

FROM THANIA MOH'D

RE: LETTER OF SUPPORT

My name is Thania Moh'd. I am the daughter in law of Khalfan Mohammed. I am Tanzania aged about 27 years. I was born on C

I would like to inform that, Khalfan Mohammed is my father in law whom I have never seen him but I talked to him. I have heard his cases from my husband father in law that he was self-reliant who worked in small scale trade. He loved his family and all people. He liked to live with his family for economic support. He liked study and worship.

In spite of geographically distance between us, he showed love and care to my family. He loves my husband and treats him like his son. He advised my husband to marry me so as to get peace of mind. He is interested to have family including wife and children.

My father in law promised that if he is released from jail, he would not involve in crime and told us lockout or jail is not good. He wants us to be peaceful and avoid violence. He guided his nephew into right ways.

My father in law was appreciated by all people in the family. His absence has left a big gap that lead to crisis in the family. If he returns to us it will bring development in the family as he is important man to influence changes in the family. I wish he could be granted forgiveness to join us and solve our problems.

I believe that, my father in law is now becoming good person and he has learnt from his case. He will positively change and become responsible citizen in his country who obey constitution and maintain peace and order.

As family we have planned to support him when he returns home by providing with all social welfare services and job as they way improve his living standard.

Please Judge, be considered with my concern

Thanks for reading my letter of support.

Yours sincerely.

THANIA

Salum

Moh'd



TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: REVISED MSELLEM MSELLEM
DATE: 09/18/2024 07:14:33 AM

TO THE HONORABLE JUDGE
From: Msellem Msellem

RE: LETTER OF SUPPORT

I am a brother-in-law of Khalfan. I married his twin sister, Fatma, who passed away on Friday, 4th of February 2022.. We have five children. I have known Khalfan since he was a young boy of 10 years. He was a good boy, obedient, and respectful to everyone. He is helpful to everyone who needs help. The first time he talked to me after the death of his twin sister, he cried and didn't have the strength to talk. He told me that if there was a choice, it would be better for him to pass away and for his twin sister to be alive. He often asks about his nephew's health and how they are coping without their mother, Fatma. He also asks about my mother's and brothers' health. Khalfan never boasts about himself and does not involve himself in bad things.

I would love for Khalfan to be back in our family. My children will be happy to have their uncle, the twin of their mother. The whole family will be happy if Khalfan comes back to his family. We will deeply thank the government of America for returning Khalfan home. I hope his mother can regain her memory because she is affected by the death of her daughter Fatma and not seeing her twin son Khalfan.

Msellem Msellem

Amari Mohamed Khamis
Signed: Msellem Msellem

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: MEIYA SHINEY
DATE: 09/16/2024 09:17:59 AM

TO THE HONORABLE JUDGE
From: MEIYA SHINEY
RE: LETTER OF SUPPORT SUPPORT

I am the niece of Khalfan Khamis. I am the firstborn of my uncle's twin sister, Fatma Khamis. I know my uncle Khalfan loves his family. When he visits, he brings rewards for me and my siblings. My uncle is a good person who loves his family.. I remember him visiting often when I was eight years old and in school. He would talk to his sister Fatma, our mother, and sometimes check my books and ask me questions about my schoolwork. My uncle never boasts about himself or convinces anyone to do bad things.

I will be very happy if my uncle returns home. It will bring back memories and happiness to see him again, the twin of my mom.

Meiya Shiney
Amari Mohamed Khamis
Signed: Meiya Shiney

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: ZAID SHINEY MSELLEM
DATE: 09/16/2024 09:18:01 AM

TO THE HONORABLE JUDGE
FROM ZAID SHINEY
RE LETTER OF SUPPORT

I am the nephew of Khalfan Khamis I am the second born of my uncle late twin sister Fatma Khamis I know that my uncle Khalfan loved his family and when he came to visit to his sister Fatma Khamis he always brought different fruits like mango, guava, apples from Kidimni the place where he lived. He loved me and sometimes he looked at my books. It has been a long time he has is not here with his family. During his arrest, at that time I was seven years, but I know him more in picture and in all the time that he is not in Tanzania he has been a good uncle. Whenever he spoke to mom or my father, he always asked them if I am nearby so that he could talk to me, he also did the same asking for my sisters and brother. He would like to see me physically and want to know what I am doing.

My uncle he never talks to me and proud himself form what he did and doesn't convince anybody to do what he did. I love him because is a part of our family. I will be very happy if my uncle returns back home it will return the memory of seeing my late mother his twin sister to see him again and again.

Zaid Shiney
Amari Mohamed Khamis
Signed: Zaid Shiney

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: ILHAM SHINEY
DATE: 09/16/2024 09:17:58 AM

TO: THE HONORABLE JUDGE
FROM: ILHAM SHINEY

RE: LETTER OF SUPPORT

Honorable Judge,
My name is Ilham Shiney, I am the third born and second daughter of the late Fatma Khamis, the twin sister of Mr Khalfan Khamis Mohammed, who is my uncle. I didn't visually remember my Uncle because for a very long time because during the time of his arrest I was merely five years old. I got to know him visually through pictures of him that he managed to send to us.

Whenever he called home he would ask my mom to give the phone to me so that he could ask many things regarding my progress. He wanted to know about my school performance and attendance. He told me to study hard.

I believe he is a very good man, because he never encouraged me to do any act of disobedience or harm. I love him very much and he is an important part of this family. I will be very happy if he will return so that I can experience the things I enjoy with him, and introduce him to the new world.

Ilham Shiney
Amari Mohamed Khamis
Signed: Ilham Shiney

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: SHINEY MSELLEM SHINEY LETTER OF SUPPORT
DATE: 09/16/2024 09:18:17 AM

To the Judge
From Shiney Shiney
Re: Support letter

"I am the nephew of KHALFAN KHAMIS. I am the fourth born of my uncle's twin sister, my late mother FATMA KHAMIS. I don't know my uncle physically, only through pictures and phone calls when he calls our family. I saw him in court in the USA, but I didn't remember because I was 4 years old at the time. What happened made him end up in custody. I was a newborn.

He is a good uncle because when he calls, he wants me to study hard and concentrate. My uncle has never boasted about what he did, nor convinced anyone to do the same. I love him because he is a part of our family.

I will be very happy if my uncle returns home, as it will bring back memories and we will see him again and again, as the twin of my mom."

Shiney Shiney

Amari Mohamed Khamis
Signed: Shiney Shiney

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: JOKHA SHINEY
DATE: 09/16/2024 09:17:58 AM

TO: THE HONORABLE JUDGE
FROM: JOKHA SHINEY

RE: LETTER OF SUPPORT

Honorable Judge,
I am the niece and last daughter the twin sister of Khalfan Khamis, My late mother was Fatma Khamis and she passed away two and a half years ago.

I have got to know my uncle through the photos he sent and mostly before the passing of my mom, she used to tell me many stories about his sweet tween brother. I also knew him through the phone calls whenever he called home we got to speak.

It has not happened for my uncle to tell me or to proud himself regarding the likes or the actions that led to his arrest. He never convinced anybody to bring harm or to act in any harmful way or perform any act of terror. I deeply love him and yern for his return.

I will be very happy if uncle returns back home, I will have time to spend with him, and I believe it will greatly help to lessen our grief, as for now we feel as if we loss both of the twins. But with his return atleast the loss will slightly be reduced.

Amari Mohamed Khamis
Signed: Jokha Shiney

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: ZUHRA KHAMIS MOHAMED
DATE: 09/02/2024 07:18:24 AM

TO: THE JUDGE
FROM: ZUHRA KHAMIS MOHAMMED
RE: LETTER OF SUPPORT

My relationship to Khalfan Khamis Mohammed is that we are siblings born from the same father and mother. I know Khalfan because he is my brother whom I have lived with since childhood under the same roof and we used to do everything together. Our bond was even more special because I was born next after him. We played together, went to school together and that's why I love Khalfan so much. He's position in the family is that he is a caring person who loves his family, we really need him, we need him to be with us again so that we can cooperate together and help each other in our personal, family and society issues.

Khalfan shows great care to my family and he has done so even before he was arrested, I need him so that atleast he can be able to watch my younger children and grandchildren grow. Although he is far away and he has never been married and raised a family of his own he loves my family in an exceptional way, and this makes me wonder how great a father and a husband he will be if he gets a chance to do so. Communication between Mr Khamis and my family is great, he treats everyone equally and respects them, and this has been his behaviour even since we were young, and this is one among the many reasons that made him to be adored and loved by every one.

Whenever Khalfan (Mr. Khamis) calls he is never selfish by only talking with me alone, he asks about my husband and children so that he can speak with them and ask regarding their health, academic development and other daily matters in general.

Khalfan helps us a lot, he always counsel us on important matters example on our children and their education, Whenever we speak with him he insists on us to spend this time and provide our childrens with resources that will help them attain high levels in education, because he says there is no goodlife without proper education and skills. He even suggested some career path to different children, and I am thankful my children listened to him and now some of them are working on their professions. To those children of mine who failed in their education, he never judges them or discriminate them, rather he encourages and motivate them in other matters. He insists on them that they must work hard and help their parents. This is just a fraction of the matters that he always helps us with. I also have an elderly mother who is ill and bed ridden, hence if Khalfan can be freed he will have a second chance and he can spend the rest of the remaining days of our mother by her side.

In our conversations with Khalfan he has not even once praised nor defend the actions that led to his arrest, and he has never praised any one who have done any similar actions, or even encourage a person to do such actions or any act that will disturb the peace in the society. On the contrary he has been sad due to all what has happened to him, and took him along time to accept what happened and forget the hardships that he went through. And as soon as he got a chance to communicate through letters he wrote to everyone who went through any hardships due to his arrest. He wrote those letters and he expressed his sadness and apologized to them. I believe if he had any means then he would have compensated all of those who suffered because of him. Even in jail, there was an act that occurred where by one of the prison worker was attacked, and Khalfan was accused to be among those who participated, but upon investigations it was found out that he didn't do it. Khalfan hates all type of matters regarding violence, even during the national elections, a period that is notorious due to instability, he insists on us and the children to avoid doing violence and to remain in our houses and not let the children out of our sight. He insists that violence is not the solution. I know my brother Khalfan to be a calm and patient person.

We all really love and respect Khalfan, because he is my brothor who cares and values my family. My love for my brother do not allign or include in any way love for the actions that led to his arrest. I love him as he is without supporting or agreeing to actions that led to his arrest or any other acts of violence. He is very important to us we need to be with him again so that our family can be whole again, I plead to the honorable judge, to consider and show mercy and Khalfan by releasing him.

My heart will be filled with immense joy when Khalfan will be able to return to the family after being away for almost quarter century, I believe this feeling will be equally shared among all family members. Although we are all sad that we have not been with him for all these twenty five years, he has not been with mother for all this time, I believe even my moms memory and happiness will return by his return also. Another benefit is that since I am a mother and I currently have grand children, I know the joy of being a mother and a granny, Hence, I wish that Khalfan is freed and he comes and get married and has a general of his own.

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The whole family agrees to help Khalfan with a house and job once he is freed, and even further financial support for treatment if needed, until he gets back on his feet. We are even ready to live with him in our own houses and share with him everything that we eat and drink, even if it has to be so for his whole life. Each and every family members is ready to do so on a heartbeat. We will create a safe space for him, free of judgment and full of support, where he can feel that he belong.

Thank you for reading my letter and I beg you to consider releasing my dear sweet brother

Zuhra Khamis Mohamed

Amari Mohamed Khamis

Signed: Zuhra Khamis Mohamed

FROM: Salum Muslim Salum
Subject: Letter of Support

TO: Honorable Judge

This is a character letter for my Brother in Law Khalfan Khamis Moh'd. I have married his young sister Zuhra Khamis Moh'd for thirty years now.

I have always remembered him as a good person and being around my family in whatever situation we have. Also, he was a helping hand when we faced difficulties. Not only that but he was also a good brother to my wife and a good uncle to my kids, he used to play with and educate my children by narrating stories concerning good manners and how to behave toward other children.

I dare to say that he is a bridge and an important link to his family and he is the main advisor of the family before. Even after being convicted of the said offence due to his wisdom although some brothers and sisters are older than him he made a great contribution to his family, especially after losing their beloved father. At the same time, they were very young, and since then he has become stronger so stands by his family and has been a great help to her mother since then.

His conduct and behavior are compatible with the family because he was a good person since he was young, he was very understanding and respectful to people of all ages regardless of race or ethnicity. From my side, we got along well and we kept in touch regularly he respected me not because I was his brother-in-law but because he respected me as his blood brother due to our closeness and being older than him.

Even after being arrested we were in touch with him because he did not stop finding the chance to communicate with us and I have been receiving his greetings and regards through the letters written to my wife and my kids until he gets permission to use the phone that's when I got the chance to communicate

with him directly and that comforts me a lot after being not able to communicate with him for many years.

Most of the time we talk he emphasizes eating health, the development of the family, educational issues for my kids, and even the challenges that we face in bringing up the children and he gives me some advice and guidance concerning those issues.

His behavior made him close to many people when he got the chance to call us he always remembers greeting my brothers and sisters and even my children that I had before marrying his sister. despite the passage of many years he still remembers the closeness and love that we have between us and he treats my family as own family.

Most of the time when we talk to him, he seems to be sad, lonely, and regretful about what he has done that made him imprisoned and destroyed his dignity and reputation to the community and even to the world in general which has cost him his freedom and closeness of being with his loved ones, especially his family.

This case had a negative impact it made him regret a lot and advised us to protect our freedom, stay humble, and respect the law for not participating in any criminal issues.

Since he has become very kind to us and the people around him he has become a part of our lives, being away from us has not caused us to forget the love that we have between us even though we miss his presence we still love, respect and need him in our lives because we believe he is a good man and he regrets for what he has done and we are taking it as a human he has done wrong against Good and people and he took most of his time to repent for what he has done.

We will be very relieved to have a second chance to reunite with our beloved brother especially after not being with him for a long period, we will receive him with great desire and enthusiasm, I believe that his return will unite us again, and increase the love between us. Also, his return will give us light in our lives considering that his thoughts and ideas have always been leading our lives.

Honorable Judge I pray to your honorable court, be granted the opportunity
chance to my brother-in-law to start a new life with his wife and I have 1
mother who is extremely old and needs a lot of care and attention and
children. So it is my humble request to your honorable court to grant a
passionate release to my brother-in-law since it's my first offense to be in prison
and he has no other criminal record ever in his life.

Thank you for your consideration.

Sincerely,



Shirley L. Williams

FROM: Kulthum Salum Muslim

TO: Judge

Subject: Request for compassionate release for uncle Khalfan Khamis Mohamed

Your Honor,

My name is Kulthum Salum Muslim, and I am reaching out to you with a heavy heart in support of my dear uncle, Khalfan Khamis Mohamed.

Khalfan is my uncle, and I am writing now humbly requesting you to consider giving him a compassionate release. When my uncle was jailed, I was just a little child, about four to five years of age, and I do not have many memories of him. However, my mother has always shared that I held a special place in my uncle's heart and that he deeply cared for me.

I have heard countless stories of his kindness and compassion towards his family, neighbours, and teachers. His dedication to his loved ones was unwavering. Teachers at both his school and madrasa admit that he had an outstanding character, and he excelled in sports like football and basketball.

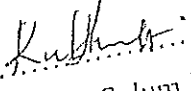
Despite the physical distance that is currently between us, we have maintained communication with my uncle through letters and phone calls. His inquiries about my well being, studies, and family life have shown me his unwavering concern for our happiness and prosperity. His absence is deeply felt, especially during family gatherings such as wedding ceremonies, funerals and when we celebrate holidays such as Eid el fitr and Eid el hajj. Where his absence is keenly felt.

We long for the day when he can rejoin our family, and we are more than willing to support him in every way possible, whether financially or emotionally.

Your Honor, I implore you to grant my uncle compassionate release so that he may have the opportunity to rebuild his life and reunited with his family. Your mercy and understanding in this matter would mean the world to us.

Thank you for your consideration.

Sincerely,


.....
Kulthum Salum Muslim

From: Muslim Salum Muslim

Re. Letter of support of my uncle Khalfan Khamis Mohamed

To Honorable Judge,

I am Muslim Salum a second child of Zuhra Khamis Mohame'd and khalfan khamis Mohame'd is my best uncle.

I am writing to request the release of my uncle, Khalfan Khamis. Although I have never had the chance to meet him, the stories my mother shares about his kindness and guidance resonate deeply with me. It is evident that his absence is keenly felt, and our family desperately needs him. Please find it in your heart to consider our request and reunite us with our beloved uncle.

I remember him daily through the stories my mother tells of their happy memories and through a picture my Mom shows me. I didn't see him physically, but he is my best friend. All the family loves him because not only he is our uncle but also he is very caring, charming, and a good advisor to our family

. Although I have never met him, he has always been my guiding light, advising me to help my family and take good care of my mother. I did not seen him a single time but he is my best friend, whenever we got the chance to talk he advised me good and I really appreciate it.

He has always advised me to help my family and taking good care of my mother. As a family, we need him, and we know that it is very hard for him to cope in there whenever there are problems facing his family, as when he lost his twin sister he was not there with his family.

We are fully committed to offering our unwavering assistance, including financial support and healthcare, to ensure his well-being. I urge you to consider our request and reunite us with our beloved uncle.

Thank you for your consideration.

Sincerely,

M.S.M.....
Muslim Salum Muslim

From: Muslim

Re: Letter of support of my uncle Khalfan Khamis Mohamed

To Honorable Judge,

I am daughter of Zuhra Khamis Mohammed I am 14 yrs old and khalfan khamis Mohame'd is my favourite uncle.

I am writing to request the release of my uncle, Khalfan Khamis. Although I have never had the chance to meet him, my mother always tells us stories that we have our uncle who faced problems when we were not born yet, my mother shares his kindness and guidance resonate deeply with me. When talk to him he always advises us to a good deed and study hard.

We love our uncle very much and it will never change. We all will be happy if he return to us. We will accept him with smiles and happiness. Whole family will adore him and it will be the end of our sorrows

I know he will need our support even though I am not old enough to be assured for financial support but I believe with the help of my family we are ready with an open heart to help and support him because we love and need him, especially my Mother she is willing to do anything that concerns my uncle. So I humbly request you to give my uncle a second chance to reunite with us.

Thank you for your consideration.
Sincerely,

S. S. M.
Salma Salum Muslim

From: Rayyan Salum Muslim

Re: Request for Compassionate Release for Uncle Khalfan Khamis Moh'd

Honorable Judge,

My name is Rayyan Muslim, and I am writing to request a compassionate release for my uncle, Khalfan Khamis Moh'd. I am the daughter of Zuhra Khamis Moh'd, and Khalfan Khamis Moh'd is my uncle. I am 23 years old.

Since I was a child, my mother has always spoken highly of my uncle, praising him as her favorite brother. My mother told me that after I was born my uncle Khalfan is the one who give me the name of Rayyan which means the door of heaven I truly love the name that my uncle gave, so because I did not get the chance to know him personal my mum often tells me the story of how we went to America to be with him in his case a few months after I was born. I truly appreciate the sacrifices my family made to support him during difficult times, even though I was too young to remember.

Although we initially communicated through letters, we now talk regularly on the phone. From our conversations, I have come to know my uncle as a caring and compassionate man with an open heart and a heart of gold. He always asks about my studies, health, and future, showing genuine concern for my well-being and success, even when it does not directly benefit him. He is also deeply sensitive to family matters, particularly in times of loss when he is unable to be with us.

Even after I got married, my uncle continues to provide care and concern for me, my husband, and my children. He consistently advises me on matters related to my life and the well-being of my family.

His absence deeply affects our family, and we all miss his presence and return. We are willing and ready to support him in any way possible, including financially and in matters of health. We are also willing to provide him with a safe and comfortable place to stay, to be with his family and share in their lives.

We are, therefore, reaching out to seek your consideration for granting my uncle a compassionate release. We believe that giving him a second chance to rebuild his life, manage his health, and be with his family will bring renewed hope and happiness to all of us.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rayyan Salum Muslim".

Sincerely,
Rayyan Salum Muslim

From: Muslim

Re. Letter of support of my uncle Khalfan Khamis Mohamed

To: Dear Judge,

I am a child of Zuhra Khamis Mohame'd, I am the last borne in my family. I have 10 years old.

I am writing to request the release of my uncle, Khalfan Khamis. Although I have never had the chance to meet him, but I'm talking to him by phone he is lovable.

My mother shows me the pictures of my uncle, whenever we talk he encourages me to study hard and be a doctor.

I don't have many to say about him but my every day wish is to see him free, happy and to live with us in our home because we love him and he love us too.

My grandmother, my other uncle and my ant will be very happy to see him after not seeing him for so many years.

Dear Judge I request to your court to free my uncle and to give him a second chance because he is a good man and I myself and my family we will be very happy to have him in our life.

Thank you for your consideration.

Sincerely,

S. S. m
Muslim

TRULINCS 44623054 - MOHAMED, KHALFAN KHAMIS - Unit: FLP-B-A

FROM: Mohammed, Ammaar
TO: 44623054
SUBJECT: HAMIDA HILAL MOHAMMED
DATE: 09/02/2024 07:18:32 AM

TO: THE JUDGE
FROM : HAMIDA HILAL MOHAMMED
/com
DAR ES SALAAM TANZANIA

RE: LETTER OF SUPPORT.

Dear judge

I hope this letter will reach you while you are in the best of health. My name is Hamida Hilal Mohammed, I am a relative of Khalfan my mother was the sister of his father. We are cousins, I know Khalfan well as my brother and as an important person and respectful to me. In the family he has a special position because of his exemplary characters.

In general Khalfan's behaviour was good and his interaction with all family members and friends was good. His relationship with my family is good, he respects me and is concerned and cares about my development and well being, even when we speak on the phone he shows that he cares and loves his family and relatives. He is deeply concerned regarding their development in various aspects such as health, education and economy.

In my conversations with him, he never mentioned or praised any acts of violence because he is a peaceful and merciful person, and cares about innocent lives.

Indeed we love and respect Khalfan because of his love, respect and care to us and his position in the family. And when he returns to our family we will welcome him with unimaginable happiness, since we haven't seen him for twenty five years, especially his mother will be the happiest among all of us, due to her pain and suffering of being away from his son for a very long time.

I thank you for taking time to read this letter, and I hope you will take into consideration all what I have said regarding Khalfan.

Yours faithfully,
Hamida Hilal Mohammed

Amari Mohamed Khamis
Signed: Hamida Hilal Mohammed



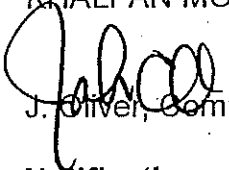
U.S. Department of Justice
Federal Bureau of Prisons

*United States Penitentiary –
Administrative Maximum*

Florence, Colorado 81226

December 8, 2014

NOTICE TO: KHALFAN MOHAMED, REG. NO. 44623-054

FROM:  J. Oliver, Complex Warden

SUBJECT: **Notification of Extension of Special Administrative Measures**

You were convicted of various terrorism-related crimes in conjunction with your participation in the August 1998 bombing of the United States Embassy in Dar es Salaam, Tanzania (1998 U.S. Embassy attack), and sentenced to life plus 40 years of imprisonment. The Attorney General originally placed you under Special Administrative Measures (SAM) in December 1999.

In his letter, the United States Attorney for the Southern District of New York (USA/SDNY) requests that your SAM be renewed because there is a substantial risk that your communications or contacts with others could result in death or serious bodily injury to others. According to the USA/SDNY, you present a great risk to national security because, as a trained terrorist and member of al Qaeda, skilled in explosives, any communications are potentially dangerous.

The USA/SDNY indicated that you played a central role in the 1998 U.S. Embassy attack. Prior to the bombing, you stored the bomb-making materials and equipment at your residence. You then agreed to remain in Dar es Salaam to ensure that the bomb reached its target. On the morning of August 7, 1998,¹ you and the suicide bomber left the residence with the bomb and drove to the United States Embassy in Dar es Salaam. You exited the truck before the truck reached its target. The bomb was detonated outside the United States Embassy, killing at least 11 individuals and injuring hundreds of others. The explosion destroyed not only the United States Embassy, but also the nearby embassies

¹ August 7, 1998, was the eighth anniversary of former President George H.W. Bush's deployment of troops to Saudi Arabia. On that day, al Qaeda carried out nearly simultaneous attacks on the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing 224 individuals, injuring thousands of others, and destroying numerous buildings.

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of France, Nigeria, and Algeria. After the bombing you returned to the residence, where you removed various incriminating items and removed any traces of the al Qaeda cell. Using fraudulent identification documents, you traveled to South Africa, where you were eventually arrested.

In further support of renewal of the SAM, the USA/SDNY cites your conduct while incarcerated and subject to SAM. Specifically, the USA/SDNY points to your involvement in the November 1, 2000, plot by fellow SAM inmate, Mamdouh Mahmud Salim, to take hostages at the Metropolitan Correctional Center while you were subject to SAM. During this failed hostage attempt, Salim stabbed a corrections officer in the eye, leaving him blind and brain damaged. You covered a surveillance camera and seized a corrections officer's radio during Salim's attack on the officer.² The USA/SDNY also points to your continued interest in bombings in Dar es Salaam. For example, on May 2, 2011, you sent a letter to your sister noting that you had heard that an explosion at an army base in Dar es Salaam was the second one to occur at the same base in two years. This letter was not transmitted because, given your operational role in the 1998 U.S. Embassy attack, your inquiry about the explosions may have been an attempt to obtain operational intelligence. The USA/SDNY notes that in 2011 and 2012, the FBI denied your requests for contact with certain telephone numbers because of national security concerns. Additionally, the USA/SDNY notes that you attempted to circumvent the SAM during a telephone call with your sister in February 2013. During the call, you provided your sister with instructions on how to send you books in order to circumvent the ADX rule that allows inmates to receive books only if they are sent directly from the bookstore or publisher. Specifically, you said that, once your sister received four books you had already requested her to purchase, to place them into separate envelopes. Next, you advised her not to use her address as the sender, but to use the address of the bookstore where she had purchased the books.

Finally, the USA/SDNY contends that, because of your role in the 1998 U.S. Embassy attack, you became a heroic figure in al Qaeda, and are, therefore, in a strong position to influence and inspire others to commit similar attacks. According to the USA/SDNY, for this reason, your SAM must continue, especially since you have never accepted responsibility for your crimes or tried to dissociate yourself with those crimes and from al Qaeda.

² Evidence was presented in court regarding Mohamed's knowledge of the planned hostage taking/escape and his role in the November 1, 2000, incident. However, the judge pointed to conflicting statements of government witnesses when concluding that there was "little basis" to believe that he conspired with others to help advance the plot.

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The Federal Bureau of Investigation (FBI) agrees that your SAM should continue. In its letter to the USA/SDNY, the FBI provides further detail about your involvement in the embassy bombing, including your purchase of a scout vehicle used by the bombers, your renting of the house used as the bomb factory, and your assistance in the loading of the bomb onto the truck for eventual delivery.

During your post-arrest interview, you described Usama bin Laden as a sheikh, a scholar, and a leader. You stated that you bombed the embassy because it was your responsibility according to your study of Islam, and that your study of history and Islam made you want to kill Americans. You further stated that if you had not been caught by police, you would have done it again, and if released from custody, you would kill Americans and help with another bombing.

The FBI also points out your status within al Qaeda. The bombings in Dar es Salaam and Nairobi are some of the most important operations in al Qaeda, lending to your status within the organization. You also admitted that you attended a training camp in Afghanistan, and that you trained others in Somalia, demonstrating your status within the organization. Notably, you refused to answer questions under oath about these trainings at a recent deposition. Although you previously denied being trained in code, an al Qaeda training manual seized by the United States contains the following advice regarding communications from prison:

Take advantage of visits to communicate with brothers outside prison and exchange information that may be helpful to them in their work outside prison. The importance of mastering the art of hiding communications is self-evident here.

This guidance demonstrates the risks associated with your communications. In conformance with other al Qaeda guidance, you have made false claims of mistreatment; you have engaged in hunger strikes; and you conspired in the brutal attack on a corrections officer. The FBI points out that based on your tradecraft experience and your affiliation with al Qaeda, you not only pose a direct threat to the national security through your actions, but are a credible voice to other individuals in the Islamic extremist community who subscribe to violent extremist ideology and are seeking to act on those beliefs.

The FBI also points out that the terrorist organization al-Shabaab, which formalized an association with al Qaeda in 2012, has a presence in Tanzania, where your family and friends reside, and that your status as an al Qaeda operative involved in the high profile 1998 U.S. Embassy attack makes your communications of particular value to al-Shabaab as a recruiting tool in Tanzania and other locations in East Africa where al-Shabaab

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operates. Relatedly, the FBI notes that incarceration at the ADX Florence is falsely described in some media reports as amounting to "torture," thus increasing your value as a propaganda tool for al-Shabaab and other terrorist groups.

Additionally, the FBI notes your claim that you are no longer a violent jihadist. At a recent civil trial, however, you indicated that you would be open to engaging in violent jihadism if a Muslim scholar authorized it. This is especially striking when compared to your post-arrest description of Usama bin Laden as a scholar.

The FBI also has concerns about the association between your family members and friends and other individuals involved in terrorism. The FBI specifically cites its denial of your requests in 2011 and 2012 for contact with certain telephone numbers due to national security concerns, as well as the fact that several members of your family have lied to FBI agents and other investigators in connection with the investigation of the 1998 U.S. Embassy attack. Further, you refused to disclose certain information about your family and friends during a recent deposition in connection with the aforementioned civil trial. The FBI's recommendation also cites your above-described attempt to circumvent the SAM during the February 2013 telephone call with your sister.

Based upon information provided of your proclivity for terrorism, particularly your membership within al Qaeda and your central role in al Qaeda's 1998 U.S. Embassy attack, your conduct while incarcerated and subject to SAM that demonstrates your continued threat to the safety of others and your commitment to terrorist activities, and your status as a hero due to your role in the 1998 U.S. Embassy attack, which places you in a position to influence and inspire others to commit similar attacks, it was found there is substantial risk that your communications or contacts with persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons. Therefore, pursuant to 28 C.F.R. § 501.3, we will continue to implement the SAM in order to restrict your access to the mail, the media, the telephone, and visitors. This SAM will commence immediately upon expiration of the prior SAM authorization period and will be in effect for a period of one year, subject to any further direction.

1. General Provisions:

- a. **Adherence to Usual United States Marshals Service (USMS), Bureau of Prisons (BOP), and Detention Facility (DF) Policy Requirements** – In addition to the below listed SAM, you must comply with all usual USMS, BOP, and non-BOP DF policies regarding restrictions, activities, privileges, communications, etc. If there is a conflict between the USMS/BOP/DF policies

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and the SAM, as set forth herein, where the SAM is more restrictive than usual USMS/BOP/DF policies, then the SAM shall control. If usual USMS/BOP/DF policies are more restrictive than the SAM, then the USMS/ BOP/DF policies shall control.

- b. **Interim SAM Modification Authority** – During the term of this directive, the Director, Office of Enforcement Operations (OEO), Criminal Division, may modify your SAM as long as any SAM modification authorized by OEO:
 - i. Does not create a more restrictive SAM;
 - ii. Is not in conflict with the request of the USA/SDNY, FBI, or USMS/BOP/DF, or applicable regulations; and
 - iii. Is not objected to by the USA/SDNY, FBI, or USMS/BOP/DF.
- c. **Inmate Communications Prohibitions** –
 - i. You are limited, within the USMS/BOP/DF's reasonable efforts and existing confinement conditions, from having contact (including passing or receiving any oral, written, or recorded communications) with any other inmate, visitor, attorney, or anyone else except as outlined and allowed by this document that could reasonably foreseeably result in you communicating information (sending or receiving) that could circumvent the SAM's intent of significantly limiting your ability to communicate (send or receive) threatening or other terrorism related information.
 - ii. The USMS/BOP/DF may permit you to communicate with other SAM inmates orally only during certain predesignated times, the place and duration to be set by the USMS/BOP/DF. You shall not have any physical contact with other inmates during this predesignated time and all such predesignated sessions may be monitored and/or recorded. Upon request of the FBI, a copy of the recording will be provided by the USMS/BOP/DF to the FBI to be analyzed for indications that you are attempting to pass messages, soliciting or encouraging acts of terrorism, violence, or other crimes.

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- d. **Use of Interpreters/Translators by the BOP** – Interpreter/translator approval requirement:
- i. The USMS/BOP/DF may use Department of Justice (DOJ) approved interpreters/translators as necessary for the purpose of facilitating communication with you.
 - ii. No person shall act as an interpreter/translator without prior written clearance/approval from the USMS/BOP/DF, which shall only be granted after consultation with the FBI and USA/SDNY.
 - iii. Interpreters/translators utilized by the USMS/BOP/DF shall not be allowed to engage in, or overhear, unmonitored conversations with you. Interpreters/translators shall not be alone with you, either in a room or on a telephone or other communications medium.

2. **Attorney/Client Provisions:**

- a. **Attorney³ Affirmation of Receipt of the SAM Restrictions Document** – Your attorney (or counsel) – individually by each if more than one – must sign an affirmation acknowledging receipt of the SAM restrictions document. By signing the affirmation, the attorney acknowledges his/her awareness and understanding of the SAM provisions and his/her agreement to abide by these provisions, particularly those that relate to contact between you and your attorney and the attorney's staff. The signing of the affirmation does not serve as an endorsement of the SAM or the conditions of confinement, and does not serve to attest to any of the factors set forth in the conclusions supporting the SAM. However, in signing the affirmation, your attorney and precleared staff⁴

³ The term "attorney" refers to the inmate's attorney of record, who has been verified and documented by the USA/SDNY, and who has received and acknowledged receipt of the SAM restrictions document. As used in this document, "attorney" also refers to more than one attorney where the inmate is represented by two or more attorneys, and the provisions of this document shall be fully applicable to each such attorney in his/her individual capacity.

⁴ "Prcleared" when used with regard to an attorney's staff, or "precleared staff member," refers to a co-counsel, paralegal, or an investigator who is actively assisting the inmate's attorney with the inmate's defense, who has submitted to a background check by the FBI and USA/SDNY, who has successfully been cleared by the FBI and USA/SDNY, and who has received a copy of the inmate's SAM and has agreed – as evidenced by his/her

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acknowledge the restriction that they will not forward third party messages to or from you.

- i. The USA/SDNY shall present, or forward, the attorney affirmation of receipt of the SAM restrictions document to your attorney.
- ii. After initiation of the SAM and prior to your attorney being permitted to have attorney/client privileged contact with you, your attorney shall execute a document affirming receipt of the SAM restrictions document and return the original to the USA/SDNY.
- iii. The USA/SDNY shall maintain the original of the SAM acknowledgment document and forward a copy of the signed document to OEO in Washington, D. C. and the USMS/DF/BOP.

b. Attorney Use of Interpreters/Translators –

- i. Necessity Requirement – No interpreter/translator shall be utilized unless absolutely necessary where you do not speak a common language with the attorney. Any interpreter/translator shall be precleared.⁵
- ii. Attorney Immediate Presence Requirement – Any use of an interpreter/translator by the attorney shall be in the physical and immediate presence of the attorney, i.e., in the same room. The attorney shall not patch through telephone calls, or any other communications, to or from you.

signature – to adhere to the SAM restrictions and requirements. As used in this document, “staff member” also refers to more than one staff member, and the provisions of this document shall be fully applicable to each such staff member in his/her individual capacity. A “paralegal” will also be governed by any additional DF rules and regulations concerning paralegals.

⁵“Precleared,” when used with regard to an interpreter, refers to an interpreter who is actively assisting the inmate’s attorney with the inmate’s post-sentencing proceedings, who has submitted to a background check by the FBI and USA/SDNY, who has successfully been cleared by the FBI and USA/SDNY, and who has received a copy of the inmate’s SAM and has agreed – as evidenced by his/her signature – to adhere to the SAMs restrictions and requirements.

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- iii. Translation of Inmate's Correspondence – An attorney of record may only allow a federally approved interpreter/translator to translate your correspondence as necessary for attorney/client privileged communication.
- c. **Attorney/Client Privileged Visits** – Attorney/client privileged visits may be contact or noncontact, at the discretion of the USMS/DF/BOP.
- d. **Attorney May Disseminate Inmate Conversations** – Your attorney may disseminate the contents of your communication to third parties for the sole purpose of providing necessary legal services related to your post-sentencing proceedings – and not for any other reason – on the understanding that any such dissemination shall be made solely by your attorney, and not by the attorney's staff.
- e. **Unaccompanied Attorney's Precleared Paralegal(s) May Meet with Client** – Your attorney's precleared paralegal(s) may meet with you without the necessity of your attorney being present. These meetings may be contact or noncontact, at the discretion of the USMS/BOP/DF.
- f. **Simultaneous Multiple Legal Visitors** – You may have multiple legal visitors provided that at least one of the multiple legal visitors is your attorney or precleared paralegal. These meetings may be contact or noncontact, at the discretion of the USMS/BOP/DF. An investigator or interpreter/translator may not meet alone with you.
- g. **Legally Privileged Telephone Calls** – The following rules refer to all legally privileged telephone calls or communications:
 - i. Inmate's Attorney's Precleared Staff May Participate in Inmate Telephone Calls – Your attorney's precleared staff are permitted to communicate directly with you by telephone, provided that your attorney is physically present and participating in the legal call as well.
 - ii. Inmate's Initiation of Legally Privileged Telephone Calls – Your initiated telephone communications with your attorney or precleared staff are to be placed by a USMS/BOP/DF staff member and the telephone handed over to you only after the USMS/BOP/DF staff member confirms that the person on the other end of the line is your attorney. This privilege is contingent upon the following additional restrictions:

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- 1) Your attorney will not allow any non-precleared person to communicate with you, or to take part in and/or listen to or overhear any communications with you.
- 2) Your attorney must instruct his/her staff that:
 - a) Your attorney and precleared staff are the only persons allowed to engage in communications with you.
 - b) The attorney's staff (including the attorney) are not to patch through, forward, transmit, or send your calls or other communications to third parties.
- 3) No telephone call/communication, or portion thereof, except as specifically authorized by this document:
 - a) Is to be overheard by a third party.⁶
 - b) Will be patched through, or in any manner forwarded or transmitted to a third party.
 - c) Shall be divulged in any manner to a third party, except as otherwise provided in Section 2d above.
 - d) Shall be in any manner recorded or preserved.⁷ Your attorney may make written notes of attorney client privileged communications.
- 4) If the USMS/BOP/DF, FBI, or USA/SDNY determines that you have used or are using the opportunity to make a legal call to speak with another inmate or for any other nonlegal reason that would circumvent the intent of the SAM, your ability to contact your attorney by telephone may be suspended or eliminated.

⁶ For purposes of the SAM, "third party" does not include officials of the USMS/BOP/DF/FBI/DOJ, or other duly authorized federal authorities when acting in connection with their official duties. This section does not allow monitoring of attorney/client privileged communications.

⁷ Except by the USMS/BOP/DF /FBI/DOJ or other duly authorized federal authorities. This section does not allow monitoring of attorney/client privileged communications.

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- h. **Documents Provided by Attorney to Inmate** – During a visit, your attorney may provide you with or review with you, documents related to your post-sentencing proceedings and/or material prepared by your attorney related to such proceedings, so long as any of the foregoing documents are translated, if translation is necessary, by a precleared interpreter/translator. Any documents not related to your post-sentencing proceedings must be sent to you via general correspondence and will be subject to the mail review provisions of subparagraphs 2i and 3g. Documents previously reviewed and cleared for receipt by you, and already in your possession at the outset of the visit, may be discussed or reviewed by you and your attorney during the visit.
- i. None of the materials provided may include inflammatory materials, materials inciting to violence, military training materials, or materials that may be used to pass messages from inmate to inmate, unless such materials have been precleared by the USA/SDNY and FBI.
- ii. The USA/SDNY may authorize additional documents to be presented to you. If any documents not listed or described above need to be transmitted to you, consent for the transmission of the document can be obtained from the USA/SDNY without the need to formally seek approval for an amendment to the SAM.
- i. **Legal Mail**⁸ – Your attorney may not send, communicate, distribute, or divulge your mail, or any portion of its contents (legal or otherwise), to third parties, except when disclosure of the contents is necessary for the sole purpose of providing necessary legal services related to your post-sentencing proceedings – and not for any other reason. In signing the SAM acknowledgement document, your attorney and precleared staff will acknowledge the restriction that only inmate case-related documents will be presented to you, and that neither the attorney nor his/her staff will forward third party mail to and from you.

⁸ Legal mail is defined as properly marked correspondence (marked "Legal Mail") addressed to or from the inmate's attorney. All other mail, including that otherwise defined by the BOP as Special Mail, shall be processed as "nonlegal mail."

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3. **Inmate's Nonlegal Contacts:**

a. **Nonlegally Privileged Telephone Contacts –**

- i. You are limited to nonlegally privileged telephone calls with your immediate family members⁹ and the individuals listed in Chart A of the attached addendum.
- ii. The quantity and duration of your nonlegal telephone calls with your immediate family members and the individuals listed in Chart A of the attached addendum shall be set by the USMS/BOP/DF, with a minimum of one call per month.

b. **Rules for Telephone Calls –** For all nonlegally privileged telephone calls or communications, no telephone call/communication, or portion thereof:

- i. Is to be overheard by a third party.
- ii. Is to be patched through, or in any manner forwarded or transmitted, to a third party.
- iii. Shall be divulged in any manner to a third party.
- iv. Shall be in any manner recorded or preserved.¹⁰

All telephone calls shall be in English unless a fluent USMS/BOP/DF or FBI approved interpreter/translator is available to contemporaneously monitor the telephone call. Arranging for an interpreter/translator may require at least 14 days' advance notice.

c. **Telephone SAM Restriction Notifications –** For all nonlegal telephone calls to your immediate family members and the individuals listed in Chart A of the attached addendum:

⁹ The inmate's "immediate family members" are defined as the inmate's (USMS/BOP/DF/FBI verifiable) spouse, children, parents, and siblings. Requests for additional nonlegal contacts may be submitted on a case-by-case basis.

¹⁰ Except for the BOP/FBI/DOJ or other duly authorized federal authorities.

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- i. The USMS/BOP/DF shall inform you of the telephone SAM restrictions prior to each telephone call.
- ii. The USMS/BOP/DF shall verbally inform the individual on the opposite end of your telephone communication of the SAM restrictions. The USMS/BOP/DF is only required to notify your communication recipient in English.
- iii. The USMS/BOP/DF shall document each such telephone notification.
- d. **Family Call Monitoring** – All calls with your immediate family members and the individuals listed in Chart A of the attached addendum, shall be:
 - i. Contemporaneously monitored by the FBI.
 - ii. Contemporaneously recorded (as directed by the FBI) in a manner that allows such telephone calls to be analyzed for indications the call is being used to pass messages soliciting or encouraging acts of violence or other crimes, or to otherwise attempt to circumvent the SAM.
 - iii. A copy of each telephone call recording shall be provided by the USMS/BOP/DF to the FBI. These recordings shall be forwarded on a call-by-call basis as soon as practicable.
- e. **Improper Communication** – If telephone call monitoring or analysis reveals that any call or portion of a call involving you contains any indication of a discussion of illegal activity, the soliciting of or encouraging of acts of violence or terrorism, or actual or attempted circumvention of the SAM, you shall not be permitted any further calls to your immediate family members for a period of time to be determined by the USMS/BOP/DF. If contemporaneous monitoring reveals such inappropriate activity, the telephone call may be immediately terminated.
- f. **Nonlegal Visits** –
 - i. **Limited Visitors** – You shall be permitted to visit only with your immediate family members and the individuals listed in Chart B of the attached addendum. The visitor's identity and family member relationship to you will be confirmed by the USMS/BOP/DF and FBI in advance.

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- ii. **English Requirement** – All communications during your nonlegal visits will be in English unless a fluent USMS/BOP/DF or FBI approved interpreter/translator is readily available to contemporaneously monitor the communication/visit. Arranging for an interpreter/translator may require at least 14 days' advance notice.
- iii. **Visit Criteria** – All nonlegal visits shall be:
 - 1) Contemporaneously monitored by the USMS/BOP/DF and/or FBI, in a manner that allows such visits to be analyzed for indications the visit is being used to pass messages soliciting or encouraging acts of violence or other crimes, or to otherwise attempt to circumvent the SAM.
 - 2) Permitted only with a minimum of 14 calendar days' advance written notice to the USMS/BOP/DF facility where you are housed.
 - 3) Without any physical contact. All such meetings shall be noncontact to protect against harm to visitors or staff.
 - 4) Limited to one adult visitor at a time. However, your FBI verified children may visit with a preapproved adult visitor.
- g. **Nonlegal Mail** – Nonlegal mail is any mail not clearly and properly addressed to/from your attorney and marked "Legal Mail" (incoming and outgoing). Nonlegal mail is limited to only your immediate family and the individuals listed in Chart C of the attached addendum, U.S. courts, federal judges, U.S. Attorney's Offices, member of U.S. Congress, the BOP, and other federal law enforcement entities.
- i. **General correspondence with limitations:** Correspondence is restricted to immediate family members and the individuals listed in Chart C of the attached addendum. The volume and frequency of outgoing general correspondence with immediate family members and the individuals listed in Chart C of the attached addendum, may be limited to three pieces of paper (not larger than 8 ½ x 11), double-sided, once per calendar week to a single recipient, at the discretion of the USMS/BOP/DF. The identity and your family member relationship will be confirmed by the USMS/BOP/DF and FBI.

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- ii. **General correspondence without limitations:** There is no volume nor frequency limitation on correspondence to/from U.S. courts, federal judges, U.S. Attorney's Offices, members of U.S. Congress, the BOP, and other federal law enforcement entities, unless there is evidence of abuse of these privileges, threatening correspondence is detected, circumvention of the SAM is detected, or the quantity to be processed becomes unreasonable to the extent that efficient processing to protect the security, good order or discipline of the institution, the public or national security may be jeopardized.
- iii. **All nonlegal mail will be:**
 - 1) **Copied** – Shall be copied (including the surface of the envelope) by the warden, or his/her designee, of the facility in which you are housed,
 - 2) **Forwarded** – Shall be forwarded, in copy form, to the location designated by the FBI.
 - 3) **Analyzed** – After government analysis and approval, if appropriate, your incoming/outgoing nonlegal mail will be forwarded to the USMS/BOP/DF for delivery to you. After FBI analysis and approval, outgoing mail may be sent in an envelope clearly designated "NONLEGAL MAIL" to your attorney, David Stern, who will then forward it to the addressee.
- iv. The federal government will forward your nonlegal mail to the USMS/ BOP/DF for delivery to you (incoming) or directly to your attorney, David Stern, for forwarding to the addressee (outgoing) after a review and analysis period of:
 - 1) A reasonable time not to exceed 14 business days for mail which is written entirely in the English language.
 - 2) A reasonable time not to exceed 60 business days for any mail which includes writing in any language other than English, to allow for translation.

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- 3) A reasonable time not to exceed 60 business days for any mail where the federal government has reasonable suspicion to believe that a code was used, to allow for decoding.
- v. **Mail Seizure** – If outgoing/incoming mail is determined by the USMS/ BOP/DF or FBI to contain overt or covert discussion of or requests for illegal activities, the soliciting or encouraging of acts of violence or terrorism, or actual or attempted circumvention of the SAM, the mail shall not be delivered/forwarded to the intended recipient but referred to the FBI for appropriate action. You shall be notified in writing of the seizure of any mail.
4. **Communication with News Media:** You shall not be permitted to speak, meet, correspond, or otherwise communicate with any member or representative of the news media in person; by telephone; by furnishing a recorded message; through the mail, your attorney, a third party, or otherwise.
5. **Religious Visitation:**
 - a. You shall not be allowed to engage in group prayer with other inmates.
 - b. If an USMS/BOP/DF or FBI approved religious representative is to be present for prayer with you, the prayer shall be conducted as part of a contact or noncontact visit, at the discretion of the USMS/BOP/DF.
6. **No Communal Cells and No Communication Between Cells:**
 - a. You shall not be allowed to share a cell with another inmate.
 - b. You shall be limited within the USMS/BOP/DF's reasonable efforts and existing confinement conditions, from communicating with any other inmate by making statements audible to other inmates or by sending notes to other inmates, except as permitted in Section 1c above.
7. **Cellblock Procedures:**
 - a. You shall be kept separated from other inmates as much as possible while in the cellblock area.

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- b. You shall be limited, within the USMS/BOP/DF's reasonable efforts and existing confinement conditions, from communicating with any other inmate while in the cellblock area.
8. **Access to Mass Communications:** To prevent you from receiving and acting upon critically-timed information or information coded in a potentially undetectable manner, your access to materials of mass communication is restricted as follows:
- a. **Publications/Newspapers** –
 - i. You may have access to publications determined not to facilitate criminal activity or be detrimental to: national security; the security, good order or discipline of the institution; or the protection of the public. This determination is to be made by the USMS/BOP/DF, in consultation with the USA/SDNY.
 - ii. Sections of the publication/newspaper which offer a forum for information to be passed by unknown and/or unverified individuals, including but not limited to classified advertisements and letters to the editor, should be removed from the publications/newspapers prior to distribution to you.
 - iii. If restricted by the USMS/BOP/DF rules, access to a publication will be denied. If acceptable, upon delivery, the USMS/BOP/DF will review the publication and make the initial determination. If the FBI's expertise is required, the publication will be forwarded to the FBI for review. The USMS/BOP/DF will also forward the publication to the FBI if translations are needed to make the determination. (In these cases, the FBI shall respond to the USMS/ BOP/DF within 14 business days.) You shall then have access to the remaining portions of the publications/newspapers deemed acceptable, in accordance with the USMS/BOP/DF policy.
 - iv. In order to avoid passing messages/information from inmate to inmate, you shall be allowed to share institutionally purchased publications/ newspapers with other SAM inmates only after each publication/ newspaper is physically screened by staff to ensure that messages cannot be passed between the SAM inmates. Publications/newspapers individually purchased by you may not be shared with any other inmate.

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- b. **Television and Radio** – You are authorized to have television and radio viewing and listening privileges, in accordance with standard and applicable USMS/BOP/DF policies and procedures.
- c. **Termination or Limitation** – If the USMS/BOP/DF determines that the mass communications are being used as a vehicle to send messages to you relating to the furtherance of terrorist or criminal activities, your access may be limited or terminated for a period of time to be determined by the USMS/BOP/DF.

9. **Access to Books:**

- a. You may have access to all books which do not facilitate criminal activity or present a substantial threat to national security or the security, discipline, or good order of the institution. This initial determination is to be made by the USMS/BOP/DF and, if the USMS/BOP/DF determines that the FBI's expertise is required, the book(s) will be forwarded to the FBI for review. In conducting its analysis, the FBI will determine whether the book advocates or promotes acts of terrorism or violence and/or whether access to the book by you would pose a substantial threat to national security.
- b. In order to avoid passing messages/information from inmate to inmate, you shall be allowed to share institutionally purchased books with other SAM inmates only after each book is physically screened by staff to ensure that messages cannot be passed between the SAM inmates. Books individually purchased by you may not be shared with any other inmate.

10. **Transfer of Custody:** In the event that you are transferred to or from the custody of the USMS, BOP, or any other DF, the SAM provisions authorized for you will continue in effect, without need for any additional DOJ authorization.

11. **Inmate's Consular Contacts:** You, as a citizen of a foreign country, shall be allowed Consular communications and visits, consistent with the USMS/BOP/DF policy. The Consular contacts shall comply with the U.S. Department of State (DOS) Consular notification and access requirements.¹¹ Prior to permitting any Consular contact, the FBI will verify the Consular representative's credentials with the DOS.

¹¹ See, Consular Notification and Access, Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist The, DOS. The DOS contact: Consular Notification and Outreach Division, Office of Policy Coordination and Public Affairs, DOS, telephone

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CONCLUSION

The SAM set forth herein, especially as they relate to attorney/client-privileged communications and family contact, are reasonably necessary to prevent you from committing, soliciting, or conspiring to commit additional criminal activity. Moreover, these measures are the least restrictive that can be tolerated in light of the ability for you to aid knowingly or inadvertently, in plans that create a substantial risk that your communications or contacts with persons could result in death or serious bodily injury to persons.

With respect to telephone privileges, the SAM is reasonably necessary because of the high probability of calls to co-conspirators to arrange terrorist, violent, and/or criminal activities.

With respect to mail privileges, the SAM is reasonably necessary to prevent you from receiving or passing along critically timed messages. Accordingly, your interest in the timely receipt and/or submission of mail, with the possible danger the contents of the mail may pose to others, has been weighed. It was determined that delaying mail delivery to allow authorized personnel to examine a copy of the mail is the least restrictive means available to ensure that the mail is not being used to deliver requests for, or to assist in, violent threats, and/or criminal acts against government witnesses or others.

To the extent that the use of an interpreter/translator is necessary, the government has the right to make sure that the interpreter/translator given access to you is worthy of trust.

The SAM's prohibition of contact with the media is reasonably necessary. Communication with the media could pose a substantial risk to public safety if you advocate terrorist, criminal, and/or violent offenses, or if you make statements designed to incite such acts. Based upon your past behavior, it is believed that it would be unwise to wait until after you solicit or attempt to arrange a violent or terrorist act to justify such media restrictions.

The SAM's limitations on access to newspapers, publications, television, and radio are reasonably necessary to prevent you from receiving and acting upon critically-timed messages. Such messages may be placed in advertisements or communicated through other means, such as the television and/or radio. While it is believed that limiting and/or delaying such access may interrupt communication patterns you may develop with the

(202) 736-7261 or http://travel.state.gov/law/consular/consular_753.html.

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outside world, and ensure that the media is not used to communicate information that furthers terrorist, violent, and/or criminal activities.

These conditions are imposed by the BOP at the request of the Attorney General, through his designated agent, the Assistant Attorney General.

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(1)

DECLARATION OF KHAFFAN KH. MOHAMED IN SUPPORT OF HIS MOTION FOR COMPASSIONATE RELEASE

I, Khaffan Kh. Mohamed declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following statement is true and correct.

The Abuses of 2000, 2008 & My Disciplinary History

1- In Nov. 2000, I was housed with another prisoner in a cell at MCC, N York. Following his assault to a prison guard, the staff responded by maliciously assaulting me after finding me outside the cell, un-armed. The assault on me was first carried out at our housing unit, the 10-South, and in the way to the medical unit, and then within the Medical unit itself.

2- Within the medical unit, the staff led by senior officials like Captain Aponte, Lt. Carano, and Counselor Santiago, after stripping me naked, they tied me on a bed in four points position and continuously physically and verbally assaulted me for about five to six straight hours. Including so, they targeted my eyes, nose, and the rest of my face more than any other parts of my body. They used their fists, clubs, and keys as weapons.

3- Badly injured, I was then sent to a hospital outside prison where I remained for about 10 to 14 days. I entered and came out of the hospital without been able to walk due to the injuries. I started to walk properly again after about two weeks. Among many injuries, the BOP staff caused on me was the breaking of my nose and fracturing my eye socket.

4- Beside the breaking of my nose and fracturing my eye socket, my vision on both eyes were badly damaged. For the next 10-years or so, my eyes especially after waking up, would become bloody redish, as if were about to burst and let the blood flow out. For that period of time I would experiencing things like little butterflies flying around... Additionally, the pain on my broken nose and fractured eye socket persisted for perhaps three to four years.

5- After my arrival to ADX Florence and been assessed by the eye-doctor, the doctor told me that I was lucky that I still could see and didn't lose my vision in that attack. He said so after reviewing my medical file.

6- The BOP staff physically abused me and left me with life-long damages as a result of that Nov. 1, 2000, attack with no justification what so ever. I had no involvement or prior knowledge that the prison guard would be assaulted that day.

7- The BOP's disciplinary hearing officer (D.H.O.) found me guilty of the assault on the officer and of other serious charges, however. The D.H.O. disregarded my defense that I didn't have any involvement, as well as the court's conclusion in *U. States v. Salim*, 287, 294-95 (S.D.N.Y., 2003). The D.H.O. moreover even ignored the statement of the

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very individual who attacked the officer that I didn't participate in the assault or do anything to help him. I deny any of his statement that falsely claimed I had blocked a camera and grabbed the keys. The D.H.C. had to find me guilty. And he did. As a result, I lost my phone, commissary privileges for 2.5 years or so. This disciplinary finding occurred sometime in 2004.

8- Per my own 25-years experience in BOP system, the staff have almost always to fabricate charges against a victimized prisoner. Find him guilty, after the same staff maliciously assault the prisoner. The initial crime against the prisoner is like an "optional" one. But the second is "mandatory". They have to falsify charges and find prisoner guilty because that justify their initial brutal act. They did this to me here, as well as after their malicious attack in 2018, see infra p. 3 at 13. I've seen so many times they do the same to other prisoners.

9- Following the staff sadistic attack on me in Nov. 2000, I didn't file administrative remedy grievance due to my serious fears of further attacks and even fear of death. Officers threatened me of death during the attack, and after it both at the other prison where I was housed following my hospitalization, and at the M.C.C. New York following my coming back there shortly before my criminal trial began.

10- In early Aug. 2008, I was physically abused again. This time, I was housed in H-unit, A0X-Florence. An officer named Broom or Bream, maliciously used the handcuffs to seriously and deeply cut and injure my wrist. He was a known violent, anti Muslim, guard. My wrist beside the serious cut, also bled, and the injury resulted in to excruciating pain. The staff assessed the injury and took pictures of it. I can't remember whether I was provided with treatment or any medication. I filed the grievance through the Administrative Remedy program (A-R-P) but I cannot remember what the response was, even though I know it wasn't granted. The circumstance of the above Aug. 2008, abuse, didn't allow the staff to fabricate charges against me. So, they didn't.

11- In Dec. 2001 or Jan. 2002 I was issued with my second infraction "second", I say so because the charges it was based on occurred at this time... i.e. after the occurrence of the Nov. 1, 2000 event in M.C.C. ... Otherwise, the actual incident report based on the Nov. 2000 event was issued and given to me in 2004, as stated supra at 7. That occurred in A0X-Florence. The reason was: the staff demanded from me to provide urine for drug test... at late evening hour after I've been fasting and thus abstaining from food and water for perhaps 14-15 hours... I couldn't provide enough urine to satisfy the staff even after several attempts. As a result of the infraction, I lost my privileges and had to provide urine sample for the next 24-months, monthly. I did so. In my entire life I've never used any illegal drug, drank alcohol or weed... and have never been accused of doing so.

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12- After my above referenced failure to provide the urine sample and the infraction that was issued based on it, I remained clean, free of any incident report until Aug. 2018, when the AOX-BOP staff, once more maliciously assaulted me... In other words, I maintained clean conduct for 16-17 years, straight.

13- On Aug. 23, 2018, and about a week after that I was issued with my third and fourth incident reports; both of which maliciously and with no justifiable base. As I've detailed in Mohamed V. Jones et al No. 1:20-cv-02516-RBT-MNA Doc. 84, (amended Complaint) the AOX-staff maliciously assaulted and seriously injured me on Aug. 23, 2018. They also confiscated and destroyed large number of my personal materials including journals (with entries from 2001 to Aug. 2018) manuscripts, etc. To cover up these serious crimes, the staff, via the same officer who initiated these abuses, issued me with infraction that I attempted to assault him... Id. As I've stated above, supra at 8; this's how the BOP staff, those I've experienced, cover up their daily crimes against prisoners... First, sadistically abuse prisoners, and then falsely issue the prisoners serious infractions to justify the first crime.

14- About a week or so after the AOX's attack on me cited above, a Lt. issued me another incident report (my fourth). This one was also purely malicious and retaliatory. It was based on my failure to drink a Nutrition resource as he demanded when I was in my, by then, long declared hunger strike. It was my first infraction to be issued to me and to be aware of based on the failure to drink that resource. I've done and saw other prisoners doing, many hunger strikes before. But there's no time we've ever punished for such failure. The relevant BOP regulation does not authorize such punishment. See Program Statement, No. P5562-65 (Hunger Strike, 7-29-2005).

15- Those are four and all infractions I've received in my past 25-years under BOP. Some BOP records show that they're five. That's wrong, however. I am familiar with one incident report of late 2001 or early 2002 issued to me but the DHO cleared me of the alleged misconduct. (Based on "destruction of government's property/equipment" following a clogging of a pipe that was connected to my cell's sink or toilet along with my next door neighbor's). Otherwise, I've stayed incident free since 2018.

16- As it's obvious; if it was not for BOP's staff repeated physical abuses against me and their disregard of the law and BOP's own regulations, I would've maintained absolutely clear and clean disciplinary record. The above facts show that three out of the four infractions were malicious and otherwise baseless. The fourth one, for failure to produce urine sample had at least some rationale. But even that one, had the staff been flexible to permit me provide the urine after breaking my fast, as I've requested, then the infraction wouldn't be necessary... That's especially true for person who's not even a suspect of using illegal drugs.

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The Medical Records, Conditions & Medications

17- I have diligently tried but then failed to obtain my medical and psychological records. I originally wanted these records for their uses in my two civil suits. Apart from few pages concerning the fracturing of my ankle... and others related to my participation and completion of the "Resolve" psychology program. My other requests were denied or not responded to. I've even filed A. Remedy against the denial of providing the medical records, but as the BOP does with virtually, and for the past 16 years or so, every A. Remedy, denied my appeals. Additionally, I've filed for a request asking for all relevant records: medical, and otherwise, related to the 2018 and 2020 physical abuses. But the BOP failed to provide a single page of any record, even after the passage of four to five years, now.

18- It's my personal experience that while the BOP staff sometimes provide some medical and other records, they do not do so when they know or believe that the requesting prisoner will use the records in his filings with the courts.

19- I've several serious medical conditions. For some of these conditions, I did receive some treatments in the past but I am no longer receiving them even though those conditions persist. These conditions include my constipation and Allepecia. (Detailed in my motion p.16, 19). There're other conditions for which I never received any treatments despite of my complaints and requests to the relevant staff, and in some cases, filing law suits over them. These conditions include; pain on my wrists and jaws... (detailed in the Motion p. 18), and passing the urine uncontrollably. (motion at p.19). Then, there're other conditions for which I am currently receiving some type of medications, even though in many instances fail to help or do so partially.

20- Here're the medications I am on currently along with conditions intended for:

▷ Meloxicam 15 mg tab. (initially issued in 2019) for my fractured ankle. Also, Acetaminophen 325 mg tab. (added to help other pains that medical staff believe they causes my constant, extreme headache; see the Motion at p. 18)

▷ Lisinopril 40 mg tab., Amlodipine 10 mg tab., & Teraazosin HCl 1 mg. cap. for the hypertension & blood pressure. (see motion at p. 16).

▷ buspiron 15 mg tab., Escitalopram Oxale 10 mg. tab. & mirtazapine 15 mg tab. for depression and other related psycho. conditions.

▷ hydrochlorothiazide 25 mg cap. & Compression garment/socks, for my painful and swelling legs. (motion p. 17)

▷ Lidocaine 5% Patch; For my back pain. (motion, p. 17)

▷ Knee Brace For my left, painful leg. (motion, p. 17)

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21- Eyes Problem (see the motion at p. 15). I started using eye glasses after my being incarcerated. But the need of the eye glasses was much increased by the damaged caused by the BOP staff's assault mentioned earlier in 2000. See supra at 1-5.

22- Sometime in early 2000's the eye doctor at Aox told me that I needed the necessary surgery to remove the cataracts from my eyes. And over the years that followed, the doctor designed my glasses in a way they could help me see from closer (near reading, writing with etc.) and from a distance. I needed both.

23- In early 2023, I was taken to outside prison hospital for cataract removal from my right eye. I was told, the left eye will also be getting the same treatment after the right eye is healed. I agreed.

24- After my right cataract was removed my distant view improved but I could no longer see close like reading, writing, with my right eye. I could only do so through my left eye which had not yet to receive its cataract removed.

25- The doctor told me that I'll be able to see near again with my right eye, (as well as with the left one) after a new pair of glasses is been made for me. However that glasses can only be ordered after my left eye is also been operated.

26- Few months after the right eyes operation, I was told that I'll be soon taken for the left eye cataract removal. I indicated that I agree. But since I can only now see close with my left eye, that's not yet operated on, I needed a new glass that would help me in my daily readings and my writings... Besides my daily reading of my religious book the Qur'aan and other spiritual materials, I explained to the staff that at the time I had three civil cases that I must continue working on... If my left eye is operated on, I'll lose my ability to read and that which would result in to lossing of all of my cases.

27- Per my own experience; the BOP (at least at Aox) takes about 6 to 10 months to deliver a new eye glasses. In this particular case it might've longer. That's, as the doctor told me, it takes perhaps two months or more following the second eye surgery before he could properly examine me and get a settled necessary measurement that my new glasses would be in.

28- Because I couldn't do without been able writing and reading, I had to decline receiving the second eye cataract removal. Mean while, without the needed surgery, I can feel and experience that my left eye vision is getting worse while my right eye close vision is virtually no longer exists.

29- High Blood Pressure (motion p. 16). I was diagnosed with this problem for the first in 2014 or 2015. My B.P. often gets high to 145 and isn't unusual to be found at over 150 even with taking multiple medication and avoiding of certain items. Many times the medical staff told me that the B.P. may result in to heart attack, stroke, and other conditions that may cause death.

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30-Constipation: I started to experience the constipation problem some time in early 2000s. Like virtually all other medical problems I'm having, I never had this one before my incarceration.

31- Before 2015, I was provided with different types of medications, some of which helped initially and some never helped me. I was also for a short period of time given some food supplement, namely prunes and raisins that partially helped, before the staff stopped giving them to me. Moreover, I used to purchase from the Commissary a fiber in powdery shape, that I used with or without supplement when I had them and benefitted from it. However, the commissary stopped selling that powdery fiber in 2014 or so. It was later replaced by tablets/fiber.... that I've tried to use, but never helped. The tablets, actually, increase the problem. I filed A.R. against the BOP's decision to stop selling the fibery powder, but without any success.

32- In 2016 I was finally taken to an outside hospital for colonoscopy, so to check my stomach. The result failed to provide conclusive outcome. That is, as the doctor told me, my stomach wasn't sufficiently clean to allow clear viewing. After learning on when I was provided with the laxative materials intended to clean my system, and the time I was told to stop eating, the doctor told me that to get my system clean, I should've been given the laxative long before was given it to me and at the same time, I should've been informed much earlier so to stop eating or drinking anything other than water.

33- So, based on the doctor's judgement, it was that Aox-staff's failure to provide me with the cleansing laxative much earlier, and inform me then not to eat..., that caused the failure to get the necessary, conclusive result... My effort to ask another test and treatment all were denied.

34- Due to my constipation, some times I go 6 days without using restroom. Four days is normal. As a result, my stomach is constantly full of bad gasses and waste, while always I am full of fatigues, and when I go bath room, always will be with blood.

35-The Swelling and Pain on My Legs: (See the motion at p. 17) The BOP staff have not told me the medical name of this problem. When I asked about the problem an outside prison medical source, I was told that the condition's called "Edema" or fluid retention... It's caused, per that source's response, by blood pressure, or kidney and liver disease... Among its impacts is frequent peeing; the source said. I do pee too much my self.

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36- Headache (motion at p. 18) My ongoing, extreme and continuing headache originated in 2022 as a result of a serious covid-19 that infected me and almost every one at my range; C-range, upper, D-range, Apx-Florence. For two weeks or more I was seriously ill, and so far many other passengers in the range. The staff only took our temperature. There's no any medical help given.

37 Besides the extreme headache that remained long after, I lost to the covid-19 something like 90% of my ability to smell and 50% to taste. The medical staff told me that these and other conditions I was complaining about at the time, may be connected with "Long-covid".

38- Some time in 2023, the staff took me to the MRI to check whether some was wrong in my brain. But they then told me the result were normal. The extreme headache continue, however.

39- Then, several months ago, a medical staff told me, following my renewed complaint, that the extreme headache may be the one called "tensional headache", which he explained as; one caused by other pains and medical conditions person have. He told my other ongoing pain and medical issues such as the pain on my back, legs, jaws, ankle... might be the cause of the headache. The staff prescribed me with Acetaminophen 325 mg tab. for pain. The medication to some extent reduce the pain of other areas of my body. But the headache remain, two years since its initial appearance. The GVP staff beside the above MRI and the recent issued "Acetaminophen" haven't done nothing else.

40- Pain ON My Back, Legs, wrists and Jaws (motion at p. 1.) All of these conditions originated from the staff's physical abuses on me in Aug. 23, 2018. As I've stated earlier I was provided with Lidocaine 5% patch for my back pain, and a knee brace for my left leg. Supra. p. 4, at 20. This only happened this year, 2024, six years after the attack. There's no specific medication provided for the wrists or jaws.

41- The wrists and Jaws were x-rayed almost two months after I was attacked, as I've alleged in my complaint. Mohamed v. Jones No. 1:20-cv-02616-RBJ-MJB doc. 64 at. 114-118. However, there's no x-ray provided for my back and legs despite my repeated complaints and request at the time. The knee brace makes walking little easier.

42- The pain is extreme and disruptive of my daily life. Due to the pain of my ankle primarily, and other pain after that, I've stopped from exercising for almost a year now. That's even then, after resuming my exercises previously, I was selective; only did those activities that were unlikely to worsen my many injuries and pain. Jaws and back pain often disrupt my already little sleep. The pain of my jaws also makes hard, occasionally, extremely so, chewing hard food items like nuts and some even a hard apple. The hardship increases at break-fast time, and even more so when breakfasting after long day of fasting.

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43- Alopecia (motion p. 19). I've have this problem since some times between 2005 and 2010. From that time to the present day my head always maintaining some spots without hair. The medical staff advised me to shave my head as more frequent as possible. Per my Islamic belief, shaving frequently and without religious reason is highly discouraged. But I do shave as much as I can as a last resort, even though, with tremendous level of discomfort and sinful feelings... The staff twice or three times, all before 2016, injected me with steroid on the empty spots on my head. They helped. The hair grew but after empty spaces then appeared and some of the old ones later reappeared. Besides the unusual, unpleasant appearance the condition brings on my head, because of which, I've always to cover and hide my head, it also comes with aggressive itching in those effected areas... All these impacts result in emotional emotional hardship.

44- The BOP staff since before 2016 declined to do any thing after those few steroid injections. I've filed A.R. All were denied. My request to be assessed by dermatologist or any other relevant professional was also denied. The BOP said the problem is not medical one. It's simply a cosmetic condition.

45- Passing urine (motion p. 19). The condition of been unable to control my urine (drops, small size) started in 2020 as a result of staff's recklessness toward my medical needs during hunger strike as I've explained in Mohamed v. U.S. States. See the motion p. 19. The amount of the urine is very little, and cause no physical pain. However, the impact is huge. Islamically, urine (as well as feces, blood...) is unclean thing that must be avoided all the times. If a little drop of urine, as little as it might be, comes out while I am praying, then my prayer is invalid. I've to wash my self, change the effected cloth or wash it, and remake my prayer. Now, I pray five times, obligatorily, daily. Besides, I pray perhaps as three times as that number optionally, but highly recommendably... The problem often distracts my prayers. Beside prayers... Islamic rituals such as reciting the Qur'an, remembering and mentioning of God's names... etc. all these require a total avoidance of the urine. In sum, the problem even though appears to be harmless, for me as practicing, sincere Muslim, causes substantial amount of spiritual pressure as well as emotional one. The staff refused to offer any help in this issue. And it's highly embarrassing even to explain for a staff who really cares, let alone who doesn't. But I did, however, to no avail.

46- The Impacts of My Physical and Emotional Circumstances on Me (See the motion at p. 20). Besides my many physical conditions, I am suffering from many emotional and mental conditions. See the motion Id. The existance of these physical and emotional conditions makes my life very hard in a way, based on my personal experience, the resulted

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hardship is but out of ordinary, in prison settings. I've no reason to believe that this court, or any court in this country would sentence me or any other defendant, to an imprisonment term of such extraordinary hardship.

47- As a way of an example in a regular bases, several of my physical pains like those on my ankle, back, legs, headache..., play a huge part in increasing my depression and other related conditions. Moreover when I decide to stay in my cell because of these physical pains and some times with my extreme fears from the staff..., that reduces my physical activities... The lack of physical activities consequently increases my other conditions such as constipation and so the depression..., as the relevant staff have informed me, and as I've for so many years personally experienced. Over the years, I've found that whenever I am physically active, my moods and mental status improve. And when my moods are better, I am in a better chance to achieve an active, better day. But for me to be physically active, I need to be without pain which is almost impossible. And to have positive moods I need not only to be better physically, but also to be free from such conditions such as anxiety, and depression during the day, and terrifying nightmares and lack of sufficient sleep, at night, which, again, rarely happens.

48- Ever since I was maliciously attacked in August 2018 a single day of my prison life is not far off from but an excruciating torture. If I go to bed for example at 8:00 p.m., I typically needs between two and three hours to be able to fall asleep. I would then have to be waken up by any of my ongoing pains such of my jaws or back, or by the virtually nightly nightmares... In this last case, my waking up is always even more unpleasant. These nightmare usually resemble the past violent attacks carried out by the BOP staff against me... I would often see some staff who previously attacked me or other staff that I might or might not know... My wake up is a terrifying experience... occasionally I will be yelling or even crying full of fears. These episodes of up and off, typically occur every 25-40 minutes or so. And I usually wouldn't sleep more than four hours per night. Very rarely, will be five. When I have it enough, and now "officially awake" often for my first prayer of the day, I will be physically tired and emotionally, extremely fearful and terrified. This fear that has just been renewed by those nightmares often overwhelmed me, and because of that, I would decide to avoid interaction with staff, and so remain in my cell which I consider the safer spot for me. In sum, sleeping is no longer a pleasant thing to me. I've come to even dislike the act of sleeping itself. That's because, to me is just a method of torture.

49- During the day, and to a lower extent at night as well, I cannot relax, mentally. Everything that I hear or see from the staff and even the mere structural appearance of the housing units... to me are all triggering events and tools of my trauma. The officers' and staff's appearances, uniforms, noise made by their working boots, by their keys, their conversations..., all take me back right to the violent traumatic events that

years ago other staff maliciously committed against me.

50- I've to constantly to remain alert, believing that these officers may be coming after me to once again assault me or even to murder. When the BOP's staff subjected me to those violence they repeatedly told me that they will kill me. Even though I do not believe that every staff is plotting on killing or harming me, yet that reality, cannot stop me believing otherwise especially when those traumatic triggers are in their fullest display.

51- Apart from those daily physical and emotional conditions whose combination effects rendered my daily life as a torturous experience; other negative feelings such as the feelings of extreme shame, lack of accomplishment, ... and viewing the world negatively... these and similar feelings, all of which related to my PTSD connected circumstances... are realistic part of my daily life. Because of all these conditions from which I've tried hard to detach-; I've seriously considered to opt out of ending my own life. I've failed to locate a reliable religious ruling that would justify such an act.

52- I successfully completed the Resolve Program which is, primarily or partly, concerned with trauma. I've tried hard to benefit as much as I could from the program. And I believe I did. That benefit, however, was better felt within the time period right after the completion. Moreover while I'm trying hard to use the tools I received from the program, such as how to interact with the staff and to challenge various perceptions toward or about them that I might have, these skills, per my experience, appear to lose their momentum and strength either due to the passage of time or because of lack of other adequate psychological tools. Beside that, there're some issues that the Resolve program didn't and perhaps couldn't resolve. For example the nightly nightmares and their horrors, an anxiety... these conditions continues beyond Resolve.

53- I completed Resolve in early August 2023. While I was participating, and even before and after, I had reasonably regular access to psychology staff and related sessions. That was at the Aox-Florence. In late September 2023, then, I was transferred to Unit B/A, U.S.P. Florence (High) where this declaration and the motion are written. Here, the psychology staff and treatment are inadequate, if not worse. One example may clarify this. From early May 2024 I started to request meeting with the psychology staff or any relevant staff to discuss my worsening depressive conditions and, if possible, get my medication adjusted. It took over two months before I was allowed to see a psychologist and explain my condition. It then took another month or so before my medication were adjusted. That's at least three months.

54- The government never extended the plea deal offer to me. (see the motion at p. 31) Soon after I arrived to the U.S. from S. Africa from where I was deported, I learned from my court-appointed attorneys that the government will likely seek death penalty against me. Not long after they told me that the government has decided as such. Because, partly, of my mother and my family who were so concerned and worried that I'll be executed, I asked my attorneys

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whether there was any thing I could do to get leniency in the sentence or at least the death sentence off the table? My attorneys, however, told me No. The government wanted nothing other than sending me to death... or similar statement. I was told. My enquiry occurred on several occasions. And I believe that my attorneys gave me the answers that they learned from the government. In sum, there's not a single time that my attorneys or any one else informed me that the government was interested in offering me a plea deal under whatever condition. Never happened.

Rehabilitation Efforts:

55-Remorse: I fully accepts responsibility of my actions in connection to the bombing of the U.S. Embassy at Dar es Salaam Tanzania, in 1998. Moreover, I am sincerely remorseful and regretful of such actions that have caused loss, pain, and suffering for so many people. I further recognize my past mistakes, and have been working hard to religiously and otherwise learn so to be a better Muslim and person so not to repeat my mistakes. I've no intention whatsoever to commit the same mistakes or otherwise to violate any law, any where.

56-Ever since I've been incarcerated a quarter century ago, I've never supported or advocated any form of violence any where, against any one, and through whatever means.

57-(Learning for Betterment) (motion, p. 36) Beside of those courses and programs that I've been doing through various institutional departments (psychology, Education, Religious, Recreation...) and from an outside schools like the College Guild; see Appx at 1, I've also spent years learning better about my Religion through getting assistance from those who know better than myself, as well as through educating myself. I've also spent good amount of time to learn other subjects including certain areas of civil law and relevant BOP/Government policies and regulations. As a result of achieving these essential knowledge, I've been able for the best part, avoiding violating the BOP regulations, as well as helping other fellow prisoners to do the same. I've also, via that knowledge, defended my rights through the BOP relevant, A.R.P. and the court system and helped many others to seek and obtain their own rights. I am also participating in the GEO program. For some time now, even before I was transfer from the ADX last year, 2023, I've been ready to take the exams... I am told that I am in the waiting list. I may complete the program in the near future.

A Brief of My Experience in the Solitary Confinement (see the motion, p- 41)

58-From 1999, the beginning of my incarceration to April 2023, I've been held under solitary confinement, mostly at the ADX Florence (2001 through Sept. 2023); while also under the

Special Administrative Measures ("SAMs"; 1999-2015).

59-The solitary confinement is defined as: "separate confinement that gives a prisoner extremely limited access to other people, esp., the complete isolation of a prisoner." See Black's Law Dictionary "solitary confinement".

60-The SAMs restrictions are imposed by the U.S. Attorney General. See 28 CFR 501.3. Their main, declared, objective is to extremely limit a prisoner's communication. That's, every kind of communications; between the prisoner and other fellow prisoners; between him and his own attorney and legal team along with all attorneys, legal entities, legal activists, courts... etc; between him and his own family members, relatives..., and the rest of people of the world; between him and the media... that include televisions, newspapers, ... as well as prohibitions

61-Thus, while it's true that "the solitary confinement" is generally, separation of a prisoner from others like him within his given setting; say he's not allowed to associate, congregate, interact... physically with his fellow prisoners... Yet that regular or "conventional" definition can hardly catch the actual "solitary confinement" that most prisoners held under SAMs like myself have experienced... SAMs brought about a whole new set of draconian restrictions whose proper definition appears yet to be captured by the relevant dictionaries. So, both "solitary confinement" (S.C.) share that "conventional" meaning shown above, as the Black's Law Dictionary indicated. But the one imposed by the SAMs has much more, for worse, restrictions, as the previous paragraph alluded, and as I further elaborates below.

The Solitary Confinement under the H-unit (SAMs) vs. The ADX-Florence General Population Units'

62-As I've stated above, since my first day in the U.S. prison until April, 2023, I was held under the S.C. within those 24-years (1999-2023), I spent the first 15-years or so under S.C. whose terms were governed by SAMs. After I was transferred to the ADX in late 2001, I was held at the H-unit. H-unit, for the all time I remained there, only housed SAMs prisoners, most of them Muslims with terrorism related cases, but some aren't. Once my SAMs expired i.e.; when the U.S. Attorney General decided not to renew them in Nov. 2015, I was immediately removed from the H-unit to F-unit, which is one of ADX-General Population ("G.P."), units. I was then moved through different ADX-G.P.s units until Sept. 2023 when I was transfer to the neighboring building, at the U.S.-P. High Florence.

63-It's the government's and the BOP's practice, as stated, to concentrate all SAMs prisoners housed in the ADX, separately from the rest, within the H-unit. Once the SAMs of a particular prisoner expired the government then immediately removes such prisoner from the H- to another G.P. unit. That's due, as the SAMs document, provided; prisoner under SAMs can only be housed with those who're similarly, severely restricted. All of those at the time, found in the H-unit.

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Besides that "housing" reason, the prisoner must be rushed out because he's now entitled to the same accommodations and privileges allowed to the G.P.'s prisoners. And these privileges, majority of which concerned with prisoners' communications, are the most important factor that differentiate between H-unit (SAM's) S.C. and that of the Adx-G.P's.

64-The H-unit's S.C. and the G.P.'s share few similarities. These include:

▷ All prisoners are individually, solitary, housed in their cells for between 22-24 hours daily. That means whatever outside cell activities they may have; the time period of such activities (which is the recreation time) is the same.

▷ When they're out of their cells and are at areas such as recreation yards (an individual cages), legal, or social visits (where they're to converse through telephone, or a social visit), or talking loudly between a glass wall separates between the two sides (legal visit, usually; but the wall is there, regardless it's a legal or social visit) and at the psychology or other group classes (where every one is caged in his own little cage within the "classroom"); their conditions in these areas are the same.

▷ Since about 2011 or 2012 or so; they all share the same television channels. Previously, H-unit prisoners were not allowed to access any primary, main news channel. As it'll be detailed later.

▷ Shortly before I was removed from H-unit, Nov. 2015, prisoners there have been allowed for the first time to access the Adx-Commissary using the same Commissary list. (Previously, H-unit list was much shorter and with less and fewer options).

▷ For all prisoners who've been housed at the H-unit, per my knowledge, and many of an Adx-G.P's, are so housed for indefinite period of time. I spent about 14-years in the H-unit. I know other who've been there for 20-or more years. The same is true in the G.P-units. I remained there for almost nine years. However, I met many who've been there for 20 or more years. In both, H- and G.P-units, prisoners only know their entrance dates of S.C. but almost all of them do not know when and even how to satisfy the relevant authority so to come out of that S.C.

Those are important similarities, according to my knowledge and recollection. Of course, all prisoners are under the same warden and administration, and they may and may not share other lower rank administrative staff such as the unit Teams and their respective members... The same is true with the regular prison offices or guards. As for these staff' performance and treatment toward prisoners as I've experienced and witnessed, that will be coming below.

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The Uniqueness of the H-unit: SAMS Solitary Confinement

65-As stated above, supra at 60-61: SAMS created S.C. are so different from the regular S.C. found in the Axx, and else where in this country; largely because SAMS extremely restrict the prisoner's communication. The mere word "Communication" may sound light, trivial, and insignificant for one who's not informed or unconcerned of the relevant application of SAMS restrictions and their implications on those whom they target. Below are six main areas of these restrictions and their impacts as I've personally experienced them and saw others doing the same.

66-Inmate Communications: Per SAMS (the last one that was issued to me, dated Dec. 8, 2014, p. 5) a prisoner cannot communicate with any other person, but those few allowed by SAMS, and with no prisoner but fellow SAMS prisoners... and that's only "oral" communication, subject to the monitoring and recording, to be analyzed by the FBI See Appx. 133 (ii)

67-Attorney/client Communications: Per SAMS, a prisoner attorney, and if there're numerous, each of them "must sign an affirmation acknowledging receipt of SAMS restrictions document. By signing the affirmation, the attorney acknowledges his...awareness...of the SAMS...and his agreement to abide by these provisions..." Id. App. 134. There're too many provisions deal with attorney/client communication restrictions. One of those is about "legal mail" between a prisoner and his attorney. Id. p. 10. The "relevant" attorney here is the same who've met the above conditions; namely, agree to sign the affirmation. Now, that also may sound easy. But not for those who've experienced it.

68-The requirement of the signing of the SAMS "affirmation" perhaps wouldn't be as bad thing as it's actually is, per my experience; if all what it takes is to get the attorney to agree with the conditions set forth in the SAMS document. I've seen numerous attorneys who are prepared to do that even though without some worries and hesitation. But I've seen repeatedly the government using the above requirement to deny SAMS prisoner the necessary legal assistance from those attorneys who're fully prepared to sign the affirmation but the government not willing to let them do so. Any new attorney who need to initiate correspondence with SAMS prisoner, must first sign that piece of paper... And a SAMS prisoner cannot send a legal mail to an attorney who's not "attorney of record"; i.e. who signed the affirmation. But how can an attorney get the affirmation?

69-Many years ago I initiated a civil suit, primarily, against the SAMS restrictions concerning my social communication. See *Mohamed v. Holder et al*, No. 07-cv-02697-MSK-BNB (Dist. Colo.). After the Court decided on the Summary Judgment Motion; I need an attorney... The Court agree to appoint one, and there was one interested in helping. The government however needed about six months or so before allowing the attorney to actually start communicate and represent me. That was coupled with many intentional inconveniences by the government and its law enforcement to that attorney.

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The attorney was forced to know that it was not a good thing to help me in my civil suit. He was, perhaps implicitly discouraged from doing so.

70- On several occasions while still under SAMs, several attorneys, some repeatedly, try to communicate with me, possibly to offer their assistance, but their legal mail were returned. I only knew of their attempts to communicate with me upon receiving the "rejection notice" which indicate such attempt and government refusal to allow the legal mail come through.

71- I know several prisoners from H-unit who filed lawsuits in defense of their constitutional rights and then end up losing their cases because of their failure to have an effective legal representation, mostly because they couldn't get an attorney who could successfully overcome so many inconveniences and often harassment, placed by the government surrounding the SAM affirmation.

72- I've also saw in H-unit prisoners who're in need of legal assistance for their post sentencing appeals. But they had no way not only to obtain a volunteer attorney, but even how to initiate such effort. That's because, as stated above, in order to have legal communication the attorney needs to sign the affirmation. And the government always uses that to deprive prisoners of their constitutional rights for legal assistance. I've also heard of attorneys who gave up their intention and preparation to help SAMs prisoners because of the prolonged process to investigate them and the extraordinary hardship attached with such process before the FBI and the relevant U.S. Attorney office "approve" those attorney.

73- In sum, the SAMs restrictions in most cases take away prisoners' constitutional rights for legal assistance and access to court. The government purposefully uses the requirements such the signing of the SAMs affirmation as pretext to commit the above deprivation.

74- Now, the rest of ADX-GP's who're otherwise solitarily confined as the H-unit's do not subjected to any restriction... close to the above elaborated. None whatsoever. Shortly after my SAMs were removed and myself from the H-unit, I sent a legal mail to an attorney whom for many years wanted to request legal assistance from but I couldn't ask due to my knowledge that the process for the approval would discourage the attorney. In about two weeks later, I receive a response from the attorney. I've ever since written to and receive from many different attorneys. Law firms, Law schools. And the good thing out of it, the world didn't end. The SAMs restrictions had no rationale behind them. They were not imposed because without them I would've otherwise do illegal missions with those legal professionals. They were, like the rest of restrictions in H-unit under SAMs, merely punitive.

75- The GP-prisoners can, generally, write to any attorney or legal entity... without prior approval. And they do so. They're also allowed to communicate via legal calls and legal visits. All what's required is the GP's confirmation that the attorney is actually an attorney. No such privilege allowed in H-unit without the above described unnecessary hardship.

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76- Nonlegal/Social Communication: Telephone calls, visits, and Mail: Per SAMs, a prisoner could only use these means of communication with his "immediate family members," which're defined as prisoners' "spouse, children, parents, and siblings". Id. p. 11, n. 9 (Appx. 139) while, per SAMs' terms, Id. on "additional nonlegal contacts" may be requested, the approval of any additional contact almost never happen. It never happened in my case that's, until the federal court found in my favor. See Mohamed v. Holder Id. court's judgment following the four days-long trial, and I never seen happened with any of the many prisoners in H-unit who frequently requested such additional contacts correspondence.

77- The phone calls would be always live-monitored. The BOP staff, with the FBI's coordination and approval, would always process the phone call. He would dial, say, my mother's Number, and then give the SAMs instruction and requirement attached with the phone. See SAMs p. 11, in English, and confirm if the person is actually my mother... My mother, sisters, and my brother I used to call most of the time know no English. Out of goodness of the BOP's staff, would simply insist the person to repeat his or her name... If that happen, the staff would pass the phone to me to further confirm whether he/she's really "immediate family member" or not... On many occasions my aunts, uncles, in-laws, nephews, nieces, cousins... and in one occasion, my grand mother, would pick the phone but I had to hang-up or tell the staff so, so he cut the line... because I wasn't allowed to talk to them.

78- On two different occasions my grand mother, the last remaining alive then, and my uncle, had visited my mother. Both were sick. Not long after that each passed away. In both occasions I had to struggle explaining to my mother as to why I couldn't speak to her mother, who did so much in terms of helping me growing up, and her brother, my uncle.

79- Over the years, the whole family had become traumatized; elderly family members, little nephews and nieces... couldn't understand why there was no communication allowed with me. They started to believe that they, not me, might have committed some serious crimes against the U.S. government.

80- The much younger children would often cry when my sisters and brothers refused them opportunity to speak with me; their uncle. I couldn't stop myself from doing the same, but I'd try to suppress my grief until we finish our conversation.

81- Among the many impacts of this and other restrictions targeting family and social ties, is the virtual total destruction of that important element of humanity: while I cannot undermine nor disregard other people and their respective cultures; our culture as Muslim, Arab-Africans, highly emphasise the family ties. Per our religion; my brothers' and sisters' children, are merely one degree below of my own... Similarly, my father's, and my mother's siblings are almost my fathers and mothers... what SAMs do is to destroy that family structure... And for most part, they have... As I said, even when my close relatives were in their last breath, I couldn't even say "I love you", to them.

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82-Visits: The visitation related restrictions under SAMs also required that "immediate family member" component. Back in year 2001, when my family and few friends came to attend my trial as defense witnesses my mother and four siblings were allowed to have short visits with me. However, my inlaws who came with them with a friend and former employer, were not. That was because; they were not "immediate family members", regardless of the fact that their visits would've been also monitored as the ones with my mother and siblings were. Years later, when one of my brother-inlaw was in this country before he left to another, he couldn't visit with me for the same reason.

83-When I was housed in H-unit I learned of several occasions in which prisoners would visit with their "immediate family members" while the rest of the family stay outside because they couldn't fit into the government's definition of the word. I know prisoners who couldn't visit with their son-inlaws who escorted their daughters to the visit, but visited with the daughters. Others, visited with their sisters, but not with their brother-inlaw who brought the sister to the visit, nor with the little nieces/sister's children ... etc.

84-Mail: Social mail also required same conditions of the social calls and visit, under SAMs: "immediate family member". However, prior to 2004 or so I was allowed to write with non-immediate family members and few friends. But after that, the SAMs reduced the world population of several billions people, to a mere "immediate family".

85-The mail restrictions were highly effective. Under the SAMs restrictions, on so many occasions the FBI and BOP would reject whole mail simply because one of my siblings would allow her or his little child to insert few lines long childish letter. Whole letters, often after several months of FBI's review, would be rejected. The rejection Notice would often cite "National Security" pretext for such and almost every other rejection and restriction.

86-For about three of four first years in H-unit we didn't have access to the phone calls. The government simply decided not to do it. At that period of time the mail was the only thing connected me and my family. But the connection was barely achieved.

87-Soon after we arrived at the ADX, late 2001, which meant the completion of our trial, thus far from court's view and review, the government started to with hold or otherwise excessively delay our social mail. A few page-long mail would take any time between three to seven months to be approved and released by the FBI. Previously such mail would've taken a week or two at most.

88-By 2003 or 2004, the government made official such a delay. Per SAMs, our social mail took 60-90 days. But realistically, the government continued to with hold the mail often to six or more months. All this happen while for the first few years we entirely relied on the mail to connect with our families.

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88- It often required a whole year or more to exchange a letter between the two sides. The restrictions effected both sides.

89- I still remember that some of Muslim prisoners in H-unit learned of their parents' and relative deaths almost a year later. The government saw no need even to prioritize those mail with the messages of death.

90- I still remember that some times I would spent a half year or so without news from home. To my self, and many other Muslim prisoners many of whom came from countries torn up by then ongoing civil wars, was not unusual to literally cry, longing for some news from home.

91- Publications: SAMs did allow H-unit prisoners to access publications, but not without the regular severe conditions impositions. The institutionally provided U.S.A-Today newspapers per SAMs; required at least 30-days delay. During that time, the FBI would remove from the paper whatever part they deemed fit - we often received the 30-days old newspaper remaining containing a mere few pages, especially from the section "A".

92- Religious, legal and other books required any time from a month to six months for approval, which was often eventually denied. As the government did with the social visits, calls and mail; it used the "national security" pretext in denying any book. And that's any book.

93- I know of more than a Muslim prisoner including one of my Code Defendants whose books that included such former presidents J. Carter's "Palestine: Peace or Apartheid", B. Obama's "The Dream of My Father", and professor H. Zinn's "People's History of the United States", were denied due to the National Security Concerns. This same reason was used to deny countless of books, magazines, and all kinds of publications including purely legal manuals and other legal resources.

94- In my case "Mohamed V. Holder et al. Id. I've alleged many of these and other restrictions committed under SAMs through the "national security" pretext.

95- Access to the Media: From early 2000s to about 2011 or 2012, H-unit prisoners under SAMs were not allowed to access any News Television or Radio channel... Thus, while the rest of ADX would access such channels as Fox News, CNN, etc, we were merely limited to so called "local channels" from, probably, Colorado region. In sum, we were not allowed to learn what was going on in the world. And for the most part, we stayed ignorant. As stated above; whatever news papers or magazines we were allowed to access were both excessively delayed, and often, reduced to a mere few pages.

96- Now, again, the rest of ADX-GP's who're otherwise solitarily confined as the H-units, aren't subjected to such restrictions targeting H-unit prisoners' social communications. Those are elaborated Suprs 76-95. The rest of ADX prisoners are not as nearly restricted.

97- After my SAMs were allowed to expire in late 2015 and my immediate removal from the H-unit, to AOX-G.P. unit I was allowed to talk in the phone visit, and write with virtually every one, just like all prisoners were rightly allowed to do so in the G.P. There were no such restrictions that the H-unit, mostly Muslim, prisoners were subjected to. Once more, I accessed these privileges, naturally, with no incident.

98- My critical effort was to try reestablished the then almost dead family ties... I had first to apologize to every one I spoken with at the first time... and make every one know the previous restrictions were not caused by no fault in his or her part... But I couldn't talk no apologize to several family members who were no longer alive.

99- Moreover, Not every previously live relationship could be saved. I tried on several occasions to write to my former friends and employees in Cape Town, South Africa, but I never received no response to this day. These're among few people whom I communicated with via letters up to very early 2000s, see subs at 84. After the additional restrictions that limited the letters with immediate family were imposed, Not aware of the new restrictions, these friends, including their young children kept sending me letters perhaps up to 2007 or so. I learned that from the rejection notices that the BOP issues to prisoners once a correspondence is been denied, rejected, and otherwise sent back to the sender.

100- It may be appropriate to indicate here that the BOP relevant regulations encourage prisoners to maintain strong relation with family and friends. Moreover, the Court owes to know that the above briefly described restrictions were not imposed on me, my family, and every one whom I had relation with because of a previous violation of any regulation in our part. The restriction were imposed with neither previously committed violation, Nor reasonable need to do so. Further more held under SAMs and after their removal; in my past 25-years in prison I've never been disciplined based on a violation of any regulation concerning my visits, mail, calls, publications, access to the news, and media... etc.

101- The government always justified the above SAMs restrictions on me and other Muslim prisoners either by using our pre conviction criminal history or by other reasons that realistically cannot and should not withstand any level of judicial review. See for example: SAMs document dated Dec. 8, 2014 (the government spending first four pages repeating criminal charges against me, citing an assault against an officer in Nov. 2000, claiming my sending a letter to my sister asking about news of bombing I heard from radio or t.v., mentioning alleged instruction to my sister on how to send a book... etc.).

102- The removal of SAMs from me in Nov. 2015 along with my 25-years incident free regarding my communications should prove that the SAMs in any case, were entirely unnecessary to manage my communications. Moreover, besides my conviction of the cited crimes in the SAMs documents, the rest of allegations aren't true or true but of no fault from my and my family's part.

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103- Other Hardships Unique to the H-unit under SAMs: There're other conditions and restrictions unique to that unit. Again, this's according to my personal knowledge and experience based on my best recollection. The dates given, as the previously mentioned, are my best estimation. -- Briefly these conditions are or used to be in these four areas:

▷ The tinted or otherwise covered windows: shortly after me and my codefendants, soon to be followed by other Muslims and later, other prisoners, the authority in ADX-Florence tinted or otherwise completely blocked the view through all cell windows within H-unit. That meant, the approximately the 3-ft. by 0.5 ft. windows were dark and black. No sun would come in. And one couldn't determine through windows whether it was a day or night outside. The staff told us, it was for security reasons. The windows remained so completely blocked for a total of six or seven years, at which time, even the already little sun previously allowed to penetrate the cells, was totally blocked.

▷ Excessive and perpetual use of Restraints: in H-unit, that's under SAMs, at every move and escort from prisoner's cell; necessarily required the application of restraints on prisoner at least on his hands and legs. Some cells are barely several feet from shower, for example, but that short distance does nothing to reduce the uses of the hand and leg cuffs. Moreover, when a prisoner is escorted out of the unit, say, to medical unit or any where else, here in addition to the hand and leg cuffs, the chain around his waist, and black box, some time with a bag lock are added. In 2014(?) when the Colorado district court held five days trial; the staff had to escort me every morning from H-unit to another location in ADX-to "attend the trial proceeding". The trip took about six to seven minutes of walking to and from the "court room". But I had to be escorted in full restraints as described above. Moreover, during the six to eight hour long proceedings, while the handcuffs had to be removed to allow me waiting... etc, the leg cuffs remained on me. By the third day of the trial, my both feet had been lacerated by the cuffs and I was in pain. After five days of the trial, I was sick, and severely injured on my feet.

▷ Lack of Recreation time and Shower, Initially: In the first seven or eight years or so; we were hardly afforded recreation opportunity outside our cells. A week would pass with perhaps an hour or two of recreation opportunity. Some times we would go a week or more with no recreation time whatsoever. Because at that time our windows were completely blocked; that means we may go two weeks without getting a sunlight. H-unit has about 30-36 cells. only four of those cells, have showers on side. For the period of time provided above, it was a regular thing that prisoners, get a single shower opportunity in a week. I remember the authority usually blamed the shortage in staff at the time.

▷ Excessive and perpetual Noises: Either one of the H-unit's two side (A/B) has 10-12 doors and grilles made of heavy metal. Each of them if operated carelessly or with ill intention, produce considerable amount of noise and discomfort for those who're housed there.

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many officers used these doors to constantly harass prisoners; day and night. Some of them they simply didn't care. In any case, however, most people in the unit could hardly sleep at night. I couldn't sleep during the day, and knows no Muslim prisoner who could. During the day, the unit is busy as almost every unit; recreation movement, medical call ups, meal delivering... etc. At night, there're counts at 8:00 P.m, 9:45 (or 9:00) P.m, 12:00 Am, and 5: Am. At any given count, usually two officers separately would round the ranges, between them perhaps 10-15 minutes. Besides, many officers would perform counts or check-ups every 30 or 45 minutes... whole night. The noises are almost unstop. My self and other prisoners did complain over these noises. After filing my remedies, I tried to get an injunction from the court to get the noise under control. But I wasn't and no other prisoner ever was successful.

And those are some of the conditions that make the solitary confinement imposed by the government and experienced by prisoners, mostly Muslims, under SAMs in H-unit, unique, and according to two former Apx-warden's accounts came telling me my self, and another testimony in my case, the S.C. here is the harshest around the country.

104- I've repeatedly mentioned above that, among many prisoners who were housed with me in the H-unit, under SAMs are Muslim and some of my Codefendants. It may be relevant to declare here that: one of the Codefendants was Mohamed Suleiman ALNafi (ALNafi; see the motion at p.26). After he was sentenced to his much lenient prison term, (that's compared to my own) he was sent to the Apx, H-unit. I believe he remained with us in H-unit, under SAMs, until shortly before he was released to the appropriate agency for his deportation to his native country. I believe that that was some time around 2009.

Other Hardships and Mistreatments caused by Staffs Individual Acts

105- Almost all of above shown conditions arise from government-approved policy. Here, briefly I declare concerning some staff's own mistreatments against me particularly, and against other prisoners in the Apx, generally. However:

106- I've to clarify first; in the Apx; there're and used to be in the past many good, fair and professional staff. That's top from the warden, to down to a regular correction officer, and all levels in between. Thus, my declaration here cannot and should not be construed as discrediting every staff.

107- Over the years, first in the H-unit and then in the G.P.; I've faced a high level of bias, discrimination... and different acts of mistreatments. I've seen these also committed against other Muslim prisoners and others, as well.

* I've included this fact here, in case the government should argue that; SAMs were imposed on me due to the nature of my crime... and sentence... As the SAMs document appear to justify the restrictions; ALNafi was offered and pleaded guilty to lesser crimes... He was going home soon. Yet, the government found reasons for SAMs.

108- Besides those violent attacks on me as detailed in my two cases, Mohamed v. Jones et al, and Mohamed v. U.S. States, et al, the staff on countless occasions, have for example, mistreated me via: pushing me around, using restraints to harass or otherwise harm me, cussing me out, calling me with racial or religious slurs, cancelling my recreational opportunities: law library access, phone call access, etc. Moreover in every unit I've been housed in the AOX, after leaving H-unit in 2015, the staff subjected me to cell-searches or "shake downs" more than any prisoner in the units. That's especially true during the year 2021-2023 when I was housed in D-unit. During these and other shake downs, some staff, not all, would enter my cell, ransack it, and confiscate my legal documents including: mail with my attorneys, court's orders, legal researchs and briefs that I've been working on, food items from the commissary, stamps...etc. They did this without any existence of a valid penological interest.

109- Sometimes, it may be at the middle of night - this's especially true following the 2018 attack on me in C-unit, officers would wake me up via the the cell-intercom, cussing me and threatening me with death. Occasionally, officers would enter my Sally-port and say some thing like "you stink, you nigger terrorist..." in order to provoke me so to open even the wider door for further abuses.

110- On many occasions staff would reject my appropriately purchased and sent publication, such as books. The AOX- mail room staff would simply send the package back to the book store with stamp "refused". Staff frequently opened and red my legal mail (AOX), while some mail dissappeared whole-together.

111- Occasionally, in AOX, I'd receive my food tray as if someone had aggressively stomped on it, and other time, the spitting would be still fresh in the tray. As a result, I would avoid eating any thing from such trays.

112- I've seen and heard other prisoners facing some of these or other similar mistreatments.

113- Over the years, I've filed numerous A.D. grievance against many of these and other mistreatment. I haven't file on each of them. They're too many and worst; the BOP staff who review the grievance always defend these mistreatment either by justifying them or denying them... As a result, the undisciplined officers continue their abuses.

114- More over, the AOX staff frequently and unnecessarily use forces against prisoners. The preferred method is via paper spray. The staff, sometimes in every few days would pepper spray a prisoner in the range and cause every one in the unit suffer from the spray. This was especially true when I was housed in F-unit (2016-18) and D-unit (2019-21 or 22; it became less used later on). In some cases, an officer may have a simple argument with a prisoner, and without warning would excessively pepper spray him... And in the process, beside unnecessarily cause suffering to that prisoner, but the whole range and sometimes unit would be on fire for an hour or two.

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The Impact of the Solitary Confinement.

115- For the first time in my life, I was diagnosed with depression when I was in the H-unit. See Appx A1 Cor. Mach's remarks on my previous history.

116- Based on my own conditions and experience, I believe most of people in the unit were suffering from same conditions. The lack of meaningful communication with our families of an effective manner to access the court, due to the restrictions of recreation times, the constant noises and other harassment caused many of us to lose appetite, and then to hunger striking. We preferred hunger striking over other means especially those involved violence.

117- Hunger striking or not, virtually every Muslim prisoner lost a lot of weight due to lack of desire to eat. We didn't feel eating. Some even thought of killing themselves.

118- Occasionally, I'd hear people yelling and some crying in the middle of night. Every one appeared to be obviously tired when ever I saw him. Over time, many prisoners could barely concentrate, and many became angrier and angrier as the time passed.

119- Both in H-unit and GP, I knew people who would spend almost whole day in bed even without been able to sleep. People who cut themselves, who intentionally thrown away or otherwise disorganize their stuff only then start reorganizing them again. Many people distrust almost every one, often believing that everyone, staff and fellow prisoners are perpetually conspiring against them.

120- Due to the lack of proper attention to many physical and mental conditions suffered by many prisoners, I've seen almost in every unit I was housed in the Aox, except J-unit (other units I was housed; H, F, C & D) prisoners who appear to be like "walking dead". They interact with no one, period. Even if a toilet or sink break, someone else must request for them. They don't seem to realize the difference between day and night. Some, in addition to their apparently serious mental conditions, also have an obvious physical conditions. But I don't think they know that.

121- In Aox, the senior staff usually round each range weekly. Beside unit staff and their officers see these prisoners. But no one seem to care.

122- As I've stated, I've yet to find Islamic ruling justifying taking of my own life. That has stopped me so far. I've also for years been wondering what stops other people? The life at the Aox coupled with decades of S.C. that deprive every one of even a chance to see a real tree, shake a hand, see a private citizen, touching a bird or a cat, plus staff abuses and brutality, this life I personally don't believe worth living. But I don't encourage or ask any one to take his life. However, I had that justification.

123- As also stated earlier, in Sept. 2023, I was moved from the Aox to here, B/A unit, U.S.P. High. The place is far from many other regular prisons I've been told. But per my 25-years on Bol prisons, the unit staff and officers are by far the most professional and reasonable I've ever interacted with.

Family circumstances (the motion at p. A3)

124- I am from Tanzania, East Africa, where almost all of my family lives. My family is big one. Besides my mother, I've seven siblings, 40-50 nephews and nieces, and about 15-20 cousins, among other family members.

125- I was born in 1973 with my twin sister, who passed away on February 2022. I've one younger sister, which makes me the second youngest sibling among the eight siblings alive.

126- Financially, my family is poor, and for that reason, no one among them has been able to afford visiting ever since I was incarcerated a quarter century ago. The only time I've ever seen my family is during my criminal case trial in 2000 at which time, per the court's expenses, my mother and four siblings were brought at the trial as witnesses. For very short moment, I was allowed to see my mother and the siblings behind a fence, at the MCC, New York.

127- Within the appendix which includes this declaration, there're thirty-three letters of support from my family, besides other letters. Most of the family letters are from my nephews and nieces. Now, most of these children were either born after my incarceration, or I left them as little children.

128- Because I've never visited with any family member after the above short visit in 2001, the only connection between me and family from which the strong relationship arises, as evidentially obvious from the letters, is the mail, calls and since recently, email communication.

129- Per my religion's requirement, culture and custom; the family relationship is highly emphasized. As a result; even though I've never married and thus, never had children; my siblings' children are at mere one degree below of my own, if I had them. My siblings' spouses at the same times; are like my brothers and sisters... That goes with similar force to their side; my nephews and nieces hardly distinguish me from their own parents while my in-laws view me as their brother, too.

130- Since my incarceration several of my family members have died. That include five of my uncles, an aunt, grand mother, five cousins, and my twin sister who, as stated above, died in February 2022.

My Mother & Her Current Condition

131- When my father died I was about 6 or 7 years old. My family, been the poorest household in the village, survival mostly due to hard working of my mother helped by my two older brothers. My mother, at home and at the field, worked day and night, and night at home, to sustain and support me and several of my siblings... My mother could only afford to sleep for three or four hours at night. And until I left her, when I was about 17, I never saw her sleeping during the

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day time.

132- By the time my siblings were capable enough to support my mother and thus, provide her the most needed time to rest; my mother's health had already started to give up largely, I believe, due to her almost unbearable hard working previously.

133- For almost two decades now, my mother's well being and health has been on declining... My siblings have been taking care of her for almost entire of that time.

134- For the past three to four years, besides her many physical illnesses, her mental status has also been impacted. For past two years she has had time to recognize me when I call her. And for almost a year now, she's been in need of help even to answer my simple inquiries with her. Among her many conditions, is her advanced stage of dementia.

135- My incarceration hugely impacted my mother. But that impact has been even been more evident following my twin sisters' passing away in early 2022.

136- My Mother would every now and then call upon all of her children to be present... when she was mentally fit, she'd understand as to why I couldn't be there. But since she lost her memory, and especially so, after the passing of my twin sister, my mother wouldn't know as to why both me and my twin sister are always missing...

137- In early March and then early August, 2024 my Mother's condition had worsen. She was hospitalized for several weeks at each time. She was released in September 2024. But now, she cannot eat or drink without been assisted (via her nose). And while she had been mostly immobilized since a year or two prior, now, since early August, she remains on bed 24/7. Moreover, occasionally, my mother needs assistance even to breath.

138- For at least two years, now, my mother has needed at least two grown persons to take care of her at any given time. Currently, my brothers and sisters are all together in doing that. They never complained.

139- Per my religious duty, culture and for moral reasons, I, as a child to my mother, and a brother to my siblings, am required to contribute into attending to our mother's needs. I've failed to do that for almost 20-years now.

140- That need of my contribution is so important especially because three of my older siblings themselves have been experiencing some medical conditions caused by their advancing ages and accident. My older sister, for example, is herself immobilized after been struck by a car about two or three months ago. These siblings themselves may soon need additional care givers to assist them, including my self who, at 51, the youngest among male siblings...

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141- My biggest wish, and therefore, request to this court is that I'll be afforded the opportunity to see and hug my mother again and help taking care of her in these what appear to be her last days on earth.

142- It's my intention, if the Court grant my motion supported here in, to directly go to my village and join my siblings in caring for mother and remain by her side to the end.

143- About Letters of Support and Character Reference: Within the Appendix there're 43- such letters/or memos... Among these; four from the members of staff; five from fellow prisoners, one from a friend, and the rest are from my family.

144- The letters from my family; beside the one letter from my cousin (Hamida H- Mohamed); all others are related to my siblings; they're from my brothers and sisters along with their spouses (my in-laws) and their children (nephews and nieces of mine). The names of these siblings involved; are; sisters; Salma Kh- Mohamed, Zahara Kh- Mohamed, and Fatma Kh- Mohamed (my twin sister, died in 2022; but there're letters from her five children and her husband (my Br- in law), and brothers; Mohamed Kh- Mohamed; Rubeya Kh- Mohamed, and Nasser Kh- Mohamed (the last didn't send his own letter, but there're two letters from his daughters (my nieces) and his wife (my in-law, who's also my cousin).

145- Most of my family's letters were originally written in my language, Swahili. One of my nephew then translated, processed them through his computer, and signed them in their behalf... That's my nephew, Ammar (also sometimes printed Amari, and Amur; it's the same person).

146- Finally I note here that; my family, just like my self, is not very sophisticated, and lives in different parts of Tanzania... The Court may notice some language or style in the letters that may not be usual... But that's for the stated reasons. And for that, I apologize.

I, Khalafan Kh- Mohamed, declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the above statement is true and correct.

Dated: Sept 25, 2024

Khalafan Kh- Mohamed,
U.S.P. High, Florence, Box 700
Florence, CO 81226

Khalafan Kh- Mohamed
S/ Mohammed

To the Honorable Judge:

Dear Judge:

I am writing not to repeat my argument detailed in my motion. Rather, I am writing briefly and directly to express two things that I believe need be straight presented to your Honorable attention. Those two things are my sincere remorse and my Mother's condition and need of meeting between a mother and her son.

I completely acknowledge the seriousness of my crimes, and fully accepts the responsibility therefor. If I have an ability to reverse back the time and history, I would've done so. Not only I would've then avoided the crimes my self, but I would have done my best to prevent others from committing such crimes. It is unfortunate for me; I cannot reverse the time nor change the history. All I can do is to sincerely express my remorse, help others, especially my family avoiding the mistakes I have made, and for myself, work as hard as I can to be a better person.

Now, due to the seriousness of my crimes it perfectly make sense to penalize me and deprive me of my freedom for a quarter century. However, the Honorable Judge, the punishment here also has been more than bearable to my family in general, and to my Mother in particular. My mother has already paid a severe price for her sons bad choice and decision.

It's my request, your Honor, to decide that a quarter century is a sufficient punishment. My Mother, as I writes, is on her death bed. After about three weeks of hospitalization they decided that there's nothing more to be done for her recovery or even meaningful improvement. People in my culture, in such circumstance, prefer having their loved ones at home rather leaving them in hospital, so when they depart from earth, they do so while surrounded by their families.

Now, your Honor, I don't want to remind of your compassionate decision on my codefendant Adel Abdel Gery. Facing a serious COVID-19 threat; per your discretion and wisdom you allowed him to be with his family. It was both, a right and compassionate decision. Your Honor, my Mother's condition is a dying one. I request for your compassionate. I don't know for how long she'll be waiting for me. But even if she depart before she meets her son, I expect you'll let me go, sharing the grieving with my family and visit her grave while is still fresh and plant thereupon a flowering little tree, as we do in our culture.

Thank you for your time and consideration.